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United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16776-16800

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 10, 1930]

16776. Misbranding and alleged adulteration of Nose-Ions. U. S. v. 9 Dozen Tubes of Nose-Ions. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23835. I. S. No. 03742. S. No. 1982.)

On or about June 28, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 dozen tubes of Nose-Ions, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by the Nose-Ions Co., from Brooklyn, N. Y., on or about March 2, 1929, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum, quinine sulphate, salicylic acid, camphor, and eucalyptol.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (display carton, retail carton, tube label, and circular) "Antiseptic and Germicide," whereas the said article fell below such professed standard.

Misbranding was alleged for the reason that the statement on the display carton, retail carton, tube label, and in the circular accompanying the shipment, "Antiseptic and Germicide," was false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (display carton, retail carton, tube label, and circular) "Indications: Catarrh, Grippe * * * Bronchitis, Hay fever, Rhinitis, Etc.," (circular) "In Grippe, Influenza, Hay Fever, Rhinitis, Pharyngitis, Laryngitis, Bronchitis, Measles, Scarlet Fever, Coughs, Etc. * * * Many doctors apply Nose-Ions in their nostrils before operating or visiting patients, also before and after automobile and railroad trips to prevent infection through the respiratory tract. * * * Nose-Ions applied daily into the nostrils of a healthy person aids to maintain the normal condition of the mucous membrane. It * * * gives tone to the vocal cords, prevents catarrhal inflammations, and if applied while the patient is suffering from * * * Influenza, etc., it will effect relief more speedily and effectively than any other remedy. * * * A remedy for Grip, Rhinitis, Pharyngitis, Laryngitis, Bronchitis and to prevent Complications of the Respiratory Tract in Measles, Scarlet Fever, Etc. Good for scalp and skin diseases. [Similar statements in foreign languages] Nose-Ions as a Preventive. The fact that germs enter the system through the nose is established beyond a doubt. Nose-Ions applied daily into the nostrils of a healthy person will help to prevent infection," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof that it was composed of or contained ingredients or

medicinal agents effective in the treatment or prevention of the diseases and conditions named therein.

On September 6, 1929, the Nose-Ions Co., New York, N. Y., having appeared as claimant for the property, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be emptied into an unlabeled box or boxes, or the labels, circulars, brandings, cartons, and all printed matter accompanying or used in connection with or appearing on the containers destroyed, and should not be disposed of contrary to the Federal food and drugs act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16777. Adulteration and misbranding of fluidextract of ergot. U. S. v. John Wyeth & Bro. (Inc.). Plea of nolo contendere. Fine, \$25. (F. & D. No. 23725. I. S. Nos. 21827-x, 24458-x, 24539-x, 24540-x, 24541-x.)

On September 18, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Wyeth & Bro. (Inc.), a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about April 9, May 5, May 18, and May 23, 1928, respectively, from the State of Pennsylvania, in part into the State of New York and in part into the State of Massachusetts, of quantities of fluidextract of ergot which was adulterated and misbranded. The article was labeled in part: "Physiologically Standardized Fluid Extract Ergot U. S. P. 10th Revision—Assayed Alcohol, 42% The Sclerotium of Claviceps Purpurea Average Dose—30 minims (2cc.) * * * John Wyeth & Brother Incorporated, Philadelphia."

Examinations of samples of the article by this department showed that its physiological potency was one-half of that required by the United States Pharmacopoeia.

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of quality, strength, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation, in that the said article required more than 0.5 cubic centimeter, to wit, 1 cubic centimeter, when administered by intramuscular injection to single comb white leghorn cocks for each kilogram of body weight of cock to produce a darkening of the comb corresponding in intensity to that caused by 0.5 cubic centimeter of the standard fluidextract of ergot prepared as directed under ergota, whereas said pharmacopoeia provides that fluidextract of ergot administered by intramuscular injection to single comb white leghorn cocks in doses not exceeding 0.5 cubic centimeter for each kilogram of body weight of cock shall produce a darkening of the comb corresponding in intensity to that caused by the same dose of the standard fluidextract of ergot prepared as directed under ergota; and the standard of the strength, quality, and purity of the article was not declared on the container thereof.

Misbranding was alleged for the reason that the statement, to wit, "Physiologically Standardized Fluid Extract Ergot U. S. P. 10th Revision," was false and misleading in that the said statement represented that the article was fluidextract of ergot which conformed to the standard laid down in the United States Pharmacopoeia, 10th revision, whereas it was not.

On September 19, 1929, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16778. Adulteration and misbranding of Mosso's oil of salt. U. S. v. 2½ Dozen Large-Sized Bottles, et al., of Mosso's Oil of Salt. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23652. I. S. Nos. 08951, 08952. S. No. 1893.)

On April 23, 1929, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2½ dozen large-sized bottles, 8 dozen medium-sized bottles, and 15½ dozen small-sized bottles of Mosso's oil of salt at Cincinnati, Ohio, alleging that the article had been shipped by the C. A. Mosso Laboratories, from Chicago, Ill., in various consignments, on or about May 7, 1928, January 24,

1929, and April 20, 1929, respectively, and transported from the State of Illinois into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of linseed oil, oil of turpentine, camphor, and phenol. Bacteriological examination showed that the product was not antiseptic.

The article was labeled in part: (Bottles, all sizes) "Antiseptic, * * * Checks * * * infection, * * * Antiseptic, * * * Oil of Salt, * * * Checks * * * infections," and "very penetrating." A portion of the large-sized bottles were further labeled in part: "Healant * * * invaluable in treatment of * * * Sores, * * * Checks Inflammation and infections of Skin (Eczema and various Types of Itch) and of the Mouth and Gums (Pyorrhea, Gingivitis, etc.) Unusual results in cases of Sore Throat. * * * Speedily relieves * * * Aching Feet, * * * Apply directly to infected * * * part." A portion of the large-sized bottles, the medium-sized bottles, and the small-sized bottles were further labeled in part: "Healant * * * Valuable in Treatment of * * * Sores, * * * checks inflammation and infection, * * * Speedily relieves * * * Aching Feet. * * * Apply directly to infected * * * part." A portion of the large-sized bottles were inclosed in cartons labeled in part: "Antiseptic * * * Possesses unique germicidal * * * qualities. Prevents and destroys infection. * * * Oil of Salt Antiseptic. A valuable aid in the treatment of Pyorrhea, Alveolaris, Gingivitis and other Diseases of the Mouth and Gums. The Amazing Healant. Amazingly Effective in Treating Acne * * * Eczema, Gum Soreness, Itch, * * * Pimple Rash, * * * Pyorrhea * * * Inflammation. Checks Flow of Blood, * * * Prevents and destroys infection, * * * Especially effective in cases of skin infections and diseases of mouth tissues and gums." A portion of the large-sized bottles, the medium-sized bottles, and the small-sized bottles were inclosed in cartons labeled in part: "Antiseptic * * * destroys infection, * * * check infection, Antiseptic * * * Oil of Salt checks infection, * * * Healing. Valuable in the treatment of * * * Sores, destroys infection, * * * An ideal first aid for wounds, * * * healant, * * * designed to check infection." The article was accompanied by a circular labeled in part: "Antiseptic * * * Ideal Antiseptic, Use It in Place of Iodine, * * * possesses astonishing antiseptic * * * powers, * * * Kills bacteria * * * Oil-of-Salt * * * Antiseptic * * * Ideal Antiseptic, Use It in Place of Iodine! * * * Oil of Salt possesses astonishing antiseptic * * * powers. * * * kills bacteria * * * Its action is swift * * * and sure! * * * how quickly it penetrates. * * * Healant * * * possesses astonishing * * * healing powers. * * * Checks bleeding * * * Oil of Salt's healing * * * action * * * Burns and Scalds Oil-of-Salt Kills Pain Quickly. For quick sure relief from burns and scalds, apply Oil-of-Salt immediately as soon as burn is received. You'll be amazed to see that the pain disappears almost instantly. * * * Kills Burn Pains in 10 Minutes * * * placed the palms of her hands on a red hot base burner—burning them until they were black. The pain of the little sufferer was most intense. * * * Oil-of-Salt. Ten minutes afterwards the child with her little bandaged hands, was playing with her doll, the pain being entirely gone. In a very short time, the burns all healed over leaving no scars. * * * Any open wound, * * * Pain will stop almost at once. * * * stopping, as it does, the flow of blood * * * for infection * * * Rheumatism, Neuritis, Etc. * * * to penetrate quickly. In extreme cases, use Oil-of-Salt several times a day. * * * Toothache. Saturate a piece of cotton or gauze and place it against the gum, surrounding the affected tooth. * * * Should the tooth be ulcerated and gum swollen, apply same treatment. Hemorrhoids. Apply Oil-Of-Salt * * * until relief is secured. * * * Also Extremely Effective in Cases of * * * Sore Throat * * * Had a very bad sore * * * As a pain-killer, in the case of open wounds, as an haemostatic agent * * * we do not believe Oil-Of-Salt has an equal. * * * cuts, * * * etc. * * * and in no instance have I ever found the slightest infection to occur * * * I have been using Oil-Of-Salt for the past two years in treatment of wounds of all kinds; in ulcers, eczema and other skin and mucous membrane infections. I have found it more efficient in promoting tissue repair." The following additional statements appeared in the circular accompanying a portion of the large-sized bottles: "Eczema-

Pimples. Oil-of-Salt Banishes Skin Infections. Eczema, acne, pimples, rashes and itch are quickly relieved by Oil-of-Salt. Apply lightly to infected parts. * * * Open eruptions should be bandaged with * * * Oil of Salt. * * * Barber's itch, seven-year itch, nickel itch, * * * boils, etc. If scalp is infected, apply Oil-of-Salt * * * Oil-of-Salt * * * Apply freely, no matter how sore the infected area. Cured Eczema Several Times. Three members of my family have used Oil-of-Salt and cured eczema not only once but several times, * * * Terrible Sore Disappeared Forever! About four years ago I had large sores break out on my neck and under my arms. One of these sores was three inches in diameter and very deep. I lost sixty pounds and my friends thought I had cancer. A friend recommended Oil-of-Salt and after using it a few weeks, the sores were entirely healed and have not returned. * * * Pyorrhea and Sore Gums. Oil-of-Salt Removes the Cause. Pyorrhea is one of the most insidious destroyers of health. Never let it get a start. At the first sign of infection start using Oil-of-Salt. * * * What you desire is Relief and Oil-of-Salt will give it to you speedily. If the gums are extremely sore, or you have an advanced case of pyorrhea, apply Oil-of-Salt to the gums * * * Oil-of-Salt will harden soft, sore, spongy gums very quickly. * * * After the gums have become firm and healthy keep them so by brushing with Oil-of-Salt * * * Pyorrhea Banished! Having neglected my teeth for a long period of time * * * pyorrhea got a good start * * * I washed my teeth thoroughly three times a day with dental cream. Then I scrubbed in a liberal dose of Oil-of-Salt, * * * The gums are very hard. * * * Marvelous Gum Hardener. I know of nothing so marvelous for hardening and healing sore gums. In case of gum infection, Oil-of-Salt is absolutely without an equal."

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, as set forth on the labels on the bottles and cartons and in the circulars, hereinabove described.

Misbranding was alleged for the reason that the labels on the bottles and cartons and the circulars contained in the said cartons bore statements as hereinabove set forth, which were false and misleading. Misbranding was alleged for the further reason that certain statements on the bottles and cartons and in the circulars contained in the cartons, regarding the curative and therapeutic effects of the said article were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of such purchasers the impression and belief that it was effective in the treatment of disease or the prevention thereof.

On June 10, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16779. Adulteration and misbranding of sassafras oil. U. S. v. 2 Drums of Sassafras Oil, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23997, 23998, 24078. I. S. Nos. 021203, 021226, 021227, 021233. S. Nos. 2259, 2270, 2310.)

On September 12 and September 24, 1929, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 3 drums and 15 cans of sassafras oil, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the North Carolina Evergreen Co., Johnson City, Tenn., in various consignments, on or about August 19, August 20, August 23, and September 3, 1929, respectively, and transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Analyses of samples of the article by this department showed that it consisted in whole or in part of imitation sassafras oil.

It was alleged in the libels that the article was adulterated in violation of section 7 of the act, under drugs, in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia,

in that it contained an oil other than sassafras oil. It was further alleged in the libel that the article was adulterated in violation of section 7 of the act, under food, in that a substance, an oil other than sassafras oil, had been substituted wholly or in part for the said article.

Misbranding of the article under the general paragraph, and paragraph 1 of section 8 of the act, under drugs, was alleged for the reason that the statements on the labels, "5 Cans Oil of Sassafras," "2 Drums of Sassafras," "Sassafras Natural," "Oil Sassafras," and "660# Oil Sassafras," as the case might be, borne on the labels, were false and misleading, and in that the article was an imitation of and was offered for sale under the name of another article. Misbranding of the article in violation of section 8, paragraphs 1, 2, and 4, under food, was alleged for the reason that certain statements on the labels, as above quoted, were false and misleading and deceived and misled the purchaser when applied to an article containing oil other than sassafras oil; and in that the article was offered for sale under the distinctive name of another article.

On October 18, 1929, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16780. National Remedy Co. v. Arthur M. Hyde, Walter G. Campbell, and J. J. Durrett. Bill in equity to restrain the Secretary of Agriculture, et al., from making multiple seizures of B. & M. external remedy. Bill of complaint dismissed.

On January 16, 1929, the National Remedy Co., a corporation, Boston, Mass., filed in the Supreme Court of the District of Columbia, holding an equity court, a bill of complaint naming as defendants therein William M. Jardine, Secretary of the United States Department of Agriculture, Walter G. Campbell, Director of Regulatory Work of the Food, Drug, and Insecticide Administration, and J. J. Durrett, Chief of Drug Control of the Food, Drug, and Insecticide Administration, officers of the United States Department of Agriculture, praying relief from a multiplicity of seizures under the food and drugs act, by direction of said defendants, of a certain proprietary medicine manufactured and sold by the plaintiff, known as B. & M. external remedy. On January 17, 1929, the plaintiff moved an injunction pendente lite. On February 20, 1929, the defendants filed a motion to dismiss the bill. On March 1, 1929, an amended bill was filed by the plaintiff and by stipulation the motion to dismiss and the motion for injunction pendente lite were made applicable to the amended bill.

On motion by the United States attorney permission was granted to substitute as party defendant, Arthur M. Hyde, who, on March 6, 1929, succeeded William M. Jardine as Secretary of Agriculture.

On August 19, 1929, the case came on for hearing on the bill and motion to dismiss, and the court entered a decree dismissing the said bill with the following opinion, in which the averments of the bill are recited and the issues of law raised are discussed in detail (Gordon, J.):

"This is a suit by the National Remedy Co., a corporation organized under the laws of the State of Massachusetts, and having its principal place of business in Boston, against William M. Jardine, Secretary of the Department of Agriculture, Walter G. Campbell, Director of Regulatory Work of the Food, Drug, and Insecticide Administration of the United States Department of Agriculture, seeking an order to restrain and enjoin the defendants from prosecuting any of the libels mentioned in the bill, except one as a test case as suggested by the plaintiff, and from instituting any further libels or seizures by defendants, and requiring them to dismiss the several seizures and libels as being *res adjudicata*.

"The bill alleges that the plaintiff is the owner of the business and good will of the manufacture and sale of a certain proprietary remedy known as B. & M. external remedy as well as the formula and method of preparation thereof, which was purchased in 1913, and has continuously manufactured and sold said medicine to jobbers, to the retail trade, and to consumers for a number of years, and that at the present time the business and good will of said corporation is valued at about \$100,000; that the statements and representations concerning said medicine in labels upon the bottles containing the same and the cartons, pamphlets, booklets, and circulars accompanying and circulated with respect thereto are made in good faith, and that nothing contained

in any of them has been false or misleading; that the medicine is manufactured in Massachusetts and is distributed by the plaintiff not only in said State, but also in interstate commerce to all the other States, the District of Columbia, and to foreign countries; that in the year 1919 the Department of Agriculture filed libels against the plaintiff, the said B. & M. external remedy, and seizures were made in various places, among them at Concord, New Hampshire, where packages of said remedy were seized and a libel filed in the United States Court for said district in October, 1919, wherein it was charged said remedy was misbranded and that the representations in the circulars and booklets relative thereto contained false and fraudulent statements. At the trial of which a verdict and judgment were rendered in favor of the claimant January 23, 1923; that since then, until about the time of this proceeding, the said B. & M. external remedy has been distributed in interstate commerce openly and without question, molestation, hindrance, or criticism by the United States or any of its agents or officials; that in December, 1928, and January, 1929, the Department of Agriculture, acting by and through the defendants, and without notice or hearing, as provided in the said food and drugs act, caused libels to be brought against the B. & M. external remedy, and seizures thereof have been made in New York City, N. Y., Pittsburgh, Pa., Baltimore, Md., Oakland, Calif., Portland, Me., Albuquerque, N. Mex., Miami, Fla., and elsewhere; and that said defendants are purposing and intending to institute and prosecute libels in numerous other places in the United States; that the statements contained in the labels, booklets, pamphlets, and circulars under investigation in 1919 by the Department of Agriculture are substantially the same as those contained in the present literature accompanying the medicine; and that the allegations of the libel filed in the District Court of New Hampshire aforesaid contained in substance and effect the same or practically the same allegations or statements set forth in the libels herein mentioned, and that the charges in said last mentioned libels are of adulteration and misbranding of the B. & M. external remedy; that the several libels already instituted by seizures, as aforesaid, and those threatened are identical and are for the purpose of testing the alleged adulteration and misbranding of said B. & M. external remedy, and that there are no separate issues of fact or of law which necessitate such numerous libels in the several States and that no necessity exists for harassing the plaintiff with these numerous libels and suits; that in spite of the provisions of the food and drugs act the plaintiff has been given no opportunity for a hearing before the Department of Agriculture, and did not prior to the institution of said libels have notice or knowledge that said department contemplated action against the plaintiff concerning any adulteration or misbranding of the B. & M. external remedy; that the several libels were filed upon reports issued by said Jardine, Secretary of Agriculture, and were not filed or instituted upon information furnished by any health, food, or drug officer or agent of any State, Territory, or the District of Columbia; that the matters and things alleged in the libel in New Hampshire in 1919, are substantially the same as the matters and things set out in the several libels filed in the several States in December, 1928, and January, 1929, and that the parties are the same and that the verdict of the jury of the Federal District Court of New Hampshire and the judgment entered thereon are conclusive on the present issues and all of the several issues are res adjudicata; that the business and good will of the plaintiff are very valuable and threatened with total destruction by the arbitrary and illegal action of the Department of Agriculture acting through the several defendants; and that numerous customers are refusing to buy its product; that if the libels are prosecuted in widely separated parts of the country the plaintiff's business will be wholly broken up, its good will and its financial success blasted and its property destroyed; that the plaintiff is willing that a trial of the disputed issues contained in the libels be tried in the State of New York, which is near plaintiff's place of business and the plaintiff should not be compelled to try a test case in a court far removed therefrom; that under the Constitution the Secretary of Agriculture has not the unrestrained right claimed by him to make multiple seizures of shipments made in interstate commerce after investigation and finding by his department that articles of food and drugs are adulterated or misbranded; and that the plaintiff has no plain, adequate, and complete remedy at law, and that its property, business, and good will will be ruined and destroyed unless the defendants are restrained or enjoined; and that the plaintiff will suffer great and irreparable loss, injury, and damage

unless the defendants are restrained and enjoined from prosecuting said libels or instituting others.

"The case was heard upon a motion of plaintiff for an injunction pendente lite and a motion of the defendants to dismiss the bill.

"It is the duty of the defendants to administer the food and drugs act. Under section 4 thereof they are authorized to investigate articles of food or drugs which are being shipped in interstate commerce for the purpose of determining whether they are adulterated or misbranded within the meaning of other sections of the act. If they find that such articles are adulterated or misbranded they are required to certify the facts to the proper United States attorney, who is required to institute appropriate proceedings in the proper court of the United States for the enforcement of the penalties prescribed by the statute. By section 2 it is made a misdemeanor for any person, firm, or corporation to ship or deliver for shipment in interstate commerce any article of food or drugs that is adulterated or misbranded.

"Section 10 of the act, the interpretation of the provisions of which are directly involved in the present proceeding is as follows:

"SEC. 10. That any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this act, and is being transported from one State, Territory, district, or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel or condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this act or the laws of that jurisdiction: Provided, however, That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this act, or the laws of any State, Territory, district, or insular possession, the court may order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States.

"It is clear from a careful reading of said section that there is no limitation upon the defendants certifying for seizure more than one shipment of an article of food or drugs found by them to be adulterated or misbranded. On the contrary the section directs them in the discharge of their duty to make a certification to the proper United States attorney of any and all shipments found in interstate commerce, which they find to be adulterated or misbranded. The statute is plain in its requirements that any article or shipment thereof shall be liable to be proceeded against wherever found, upon a finding by administrative officers that the same is adulterated or misbranded whether in single or multiple consignments. The purpose of the statute would be frustrated if power to make multiple seizures of different consignments in various sections of the country were denied. Under such a construction the public could be injured and defrauded at will by numerous shipments of adulterated and misbranded articles made after one consignment had been libeled, and litigation with respect thereto delayed or prolonged, for the purpose of enabling the shipper or manufacturer of such adulterated or misbranded articles to distribute them in interstate commerce. Such articles, after investigation by the defendants, that have been found to be either adulterated or misbranded are outlaws of commerce and may be seized wherever found. The number of seizures would necessarily depend on the number of consignments and their location. There is nothing in the act that indicates that one seizure by the Federal authorities exhausts their power to make other or contemporaneous seizures of the same articles when circumstances require such action in order to prevent traffic in adulterated or misbranded articles.

"It is averred in the bill and urged in argument that the seizures now in question are illegal in that the plaintiff before the institution of the proceedings was not afforded a preliminary hearing as provided by the statute.

"Section 4 of the act provides for a hearing to the persons from whom a sample has been procured. This provision, however, does not require that a hearing be given to the shipper or manufacturer such as plaintiff before the bringing of seizure proceedings. The provision of section 4 as to hearings has been under consideration by the Federal courts and prior to the decision in *Morgan vs. United States*, 222 U. S. 274, the decisions of the lower Federal courts were divided upon the question as to whether a preliminary hearing was necessary before the bringing of seizure proceedings under section 10 of the act. But in the *Morgan* case the Supreme Court held that it is not a condition precedent for the prosecution of a violation of the food and drugs act that an investigation be had in the Department of Agriculture and the defendant afforded an opportunity to be heard as provided by section 4 of the act, and that the provision for a hearing was administrative merely and not a jurisdictional requirement for the institution of proceedings under the statute.

"The validity or constitutionality of the food and drugs act are [is] not questioned by the plaintiff, and in cases in which the question of whether articles are misbranded or adulterated is raised, such question is for determination by a jury, or by a court if a jury is waived, and not to be determined in equity if the statute is valid, and in such a situation an equity court should not restrain multiple seizure proceedings under the food and drugs act. *Shawnee Milling Co. v. Temple, et al.*, 179 Fed. 517, 519.

"The question as to whether a particular product is or is not subject to the provisions of the food and drugs act should be raised in a proceeding provided for by the statute itself and not in equity.

"The allegation in plaintiff's bill that its product is not adulterated or misbranded is in effect a defensive plea in bar. That question ought to be determined in the libel proceedings where they have been instituted against its product and do not seem to me to constitute an equitable cause of action.

"It would seem that the defendants in making the seizures and instituting the proceedings complained of exercised a lawful duty in the performance of the ordinary functions committed to them in the administration of the food and drugs act. It seems clear, as herein pointed out, the statute does not limit defendants' actions to one or any other number of seizures, but reposes in them not a mere discretion but a direction to proceed when and where misbranded or adulterated articles are found. The act plainly commits this function to the executive branch of the Government and not to the judicial branch. The judicial function is provided for when proper proceedings are brought to determine the issue of misbranding or adulteration, and the plaintiff's recourse is to test those proceedings where they are brought.

"It is pleaded in the bill and urged in argument by plaintiff that the New Hampshire judgment is *res adjudicata* with respect to the pending libel proceedings. The averments in the bill are that the libel which was involved in that proceeding is substantially the same as those contained in the present literature accompanying the shipments recently proceeded against. This averment would indicate that the labels were in effect the same but that they were in fact different. Furthermore, according to the averments of the bill, the issue in the New Hampshire case involved only the misbranding of plaintiff's product, whereas the recent libel proceedings and those threatened involved the additional charge that plaintiff's product is also adulterated within the meaning of the food and drugs act.

"Furthermore in *Plews v. Burrage*, 266 Fed. 347, it was held that a defendant in an action in a Federal court relying upon *res adjudicata* as a defense has a complete and adequate remedy at law and cannot maintain an action in equity based thereon to enjoin the law action.

"It is the view of this Court that this bill in equity cannot be maintained and should, therefore, be dismissed."

The plaintiff immediately noted an appeal to the Court of Appeals of the District of Columbia. The appeal was perfected and the case is now pending on appeal in said court.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16781. Adulteration and misbranding of Dakol nasal cream. U. S. v. 22 Cartons, et al., of Dakol Nasal Cream. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23965, 24070. I. S. Nos. 021026, 021177. S. Nos. 2184, 2296.)

On August 20, 1929, and September 17, 1929, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 29 packages and 22 cartons of Dakol nasal cream, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the New Haven Laboratories (Inc.), from New Haven, Conn., in part on or about June 10, 1929, and in part on or about June 25, 1929, and transported from the State of Connecticut into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum, chloramine-T (0.25 per cent), volatile oils including menthol, and a small amount of a saponifiable fat. Bacteriological examination showed that the product was not antiseptic.

It was alleged in the libels that the article was adulterated in that its strength fell below the professed standard under which it was sold, viz (tube) "Antiseptic."

Misbranding was alleged for the reason that the statements on the tube, "Antiseptic," and on the carton, "Coat tip on tube with Dakol—to Antiseptize," were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of the article, borne on the labeling, (tube) "For * * * relief of * * * catarrh, influenza, bronchitis, whooping cough, hay fever, sore throat, asthma * * * To prevent nose and throat infection. Squeeze * * * Dakol * * * on * * * finger * * * into each nostril," (all cartons) "For the relief of * * * bronchitis, catarrh, whooping cough, hay fever, sore throats and asthma. For the prevention of contagious diseases contracted through nose and throat," "Insert tip * * * into nostril * * * pinch tube and draw deep, long breath through nose until Dakol reaches the throat," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent, falsely and fraudulently to purchasers thereof, and create in the minds of such purchasers the impression and belief that it was effective in the treatment of disease or the prevention thereof.

On September 13, 1929 and October 18, 1929, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16782. Misbranding of Nozeline. U. S. v. 68 Packages of Nozeline. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23387. I. S. No. 02869. S. No. 1560.)

On February 15, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 68 packages of Nozeline at Jersey City, N. J., alleging that the article had been shipped by the Nozeline Laboratory, Long Island City, N. Y., on or about January 12, 1929, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of mineral oil containing about 2 per cent of volatile matter, including eucalyptol, oil of pine, menthol, and camphor.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, (label) "For Catarrh, Hay Fever * * * For Nose or Throat ailments," (carton) "A * * * Healing Application for * * * Hay Fever, Catarrh and Nasal Affections. A few drops in the nostril will afford easy breathing and prompt relief," (display carton) "Nozeline A Few Drops a Day

Keep Flu and Grip Away * * * For * * * Catarrh and Hay Fever, * * * For the Grippe, * * * For Hay Fever, * * * For Catarrh," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was effective in the diseases and conditions named therein.

On July 1, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16783. Misbranding of Doctor Michael's cold tablets. U. S. v. 3% Dozen Boxes of Dr. Michael's Cold Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23420. I. S. No. 08450. S. No. 1551.)

On February 20, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3% dozen boxes of Doctor Michael's cold tablets at Chicago, Ill., alleging that the article had been shipped by the C. P. Products Co., from Kokomo, Ind., on December 19, 1928, and transported from the State of Indiana into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of brown-coated tablets containing essentially acetanilid, reducing sugar, talc, capsicum, and a small amount of phenolphthalein.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, borne on the labeling, (carton container) "A preparation for * * * 'Flu,' LaGrippe, Acute Catarrh, * * * Neuralgia and Fevers * * * relieves the muscular pain and prevents the exhaustion which so frequently follows these attacks * * * Take one tablet every half hour until three are taken, then one every two or three hours until relieved, * * * For * * * Neuralgia take one or two tablets; repeat in twenty minutes if necessary," (display carton) "Relief for * * * 'Flu,' LaGrippe," (circular) "Relief Now! A New Safer Way Quick Relief!!! * * * Dr. Michael's Cold Tablets * * * are the direct result of the efforts of Dr. A. Michael * * * to produce * * * safe * * * remedies * * * They are prescriptions compounded for their specific purposes, and have never failed * * * Dr. Michael's Dependable Prescription for * * * Influenza and La Grippe * * * This remedy was prescribed by the doctor with amazing success during the epidemic of Influenza that swept the country just after the World War. The extraordinary efficiency of this remedy in the treatment of * * * 'Flu' and LaGrippe, justifies our claim that Dr. Michael's Cold Tablets are unexcelled—a boon to mankind! The victim of a cold is in a most receptive condition to contract other and more serious ailments. The prompt use of Dr. Michael's Cold Tablets will insure Safe! Quick! Relief! * * * This remedy * * * lowers arterial tension, relieves the muscular pain and prevents the exhaustion that so frequently follows these attacks," were false and fraudulent in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was effective as a remedy for the diseases, ailments, and afflictions mentioned therein. Misbranding was alleged for the reason that the following statements appearing in the accompanying circular, "The prompt use of Dr. Michael's Cold Tablets will insure Safe * * * relief. * * * Dr. Michael's Cold Tablets are the direct result of the efforts of Dr. Michael to produce * * * safe * * * remedies. * * * A new safer way," were false and misleading.

On April 24, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16784. Misbranding of Laxacold. U. S. v. 31 Boxes of Laxacold. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23511. I. S. No. 08451. S. No. 1671.)

On March 9, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 31 boxes of Laxacold at Chicago, Ill., alleging that the article had been shipped by the Nyal Co., from Detroit, Mich., January 23, 1929, and transported from the State of Michigan into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of tablets containing acetanilid, alkaloids of aconite and of cinchona including cinchonine and cinchonidine, extracts of plant drugs including podophyllum and jalap, camphor, capsicum, sulphates, and a small amount of salicylates.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the container and accompanying counter display box, regarding the curative or therapeutic effects of the said article, (small carton) "Quickly relieves * * * Grippe, Flu, Neuralgia, * * * for Cough," and (display carton) "For * * * Grippe, Flu," were false and fraudulent in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that the article was effective as a remedy for the diseases, ailments, and afflictions mentioned therein. Misbranding was alleged for the further reason that the statement on the counter display box, "Safe," was false and misleading.

On April 20, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16785. Misbranding of Nyal cold capsules. U. S. v. 34 Boxes of Nyal Cold Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23438. I. S. No. 05299. S. No. 1600.)

On February 20, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 34 boxes of Nyal cold capsules at Chicago, Ill., alleging that the article had been shipped by the Nyal Co., from Detroit, Mich., September 17, 1928, and transported from the State of Michigan into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the capsules contained acetanilid, calcium carbonate, cinchonine sulphate, and small amounts of capsicum, camphor, podophyllum, and the alkaloids of aconite.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the container and the accompanying counter display box, (carton) "For * * * Flu, LaGrippe * * * Neuralgia * * * Adults, take 2 capsules, repeat in 3 hours if necessary," and (counter display) "Relief for * * * Flu, Grippe, Achy Pains. They do the work," were false and fraudulent in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that the article was effective as a remedy for the diseases, ailments, and afflictions mentioned therein. Misbranding was alleged for the further reason that the statement on the counter display box, "Safe," was false and misleading.

On April 24, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16786. Misbranding of Dr. F. W. Diemer's laxative grip and cold tablets. U. S. v. 59 Packages of Dr. F. W. Diemer's Laxative Grip and Cold Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23451. I. S. No. 05297. S. No. 1566.)

On February 25, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel praying seizure and condemnation of 59 packages of Dr. F. W. Diemer's laxative grip and cold tablets at Chicago, Ill., alleging that the article had been shipped by the Sta-Wel Remedy Co., from Springfield, Mo., November 7, 1928, and transported from the State of Missouri into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetanilid, sodium bicarbonate, capsicum, and extracts of plant drugs including podophyllum and an emodin-bearing drug.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the containers and in the accompanying circular, (circular) "For Grip * * * Sta-Wel Remedy Company," (carton) "Grip * * * Tablets * * * Sta-Wel Remedy Co.," and (display carton) "Grip * * * Tablets," were false and fraudulent in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that the article was effective as a remedy for the diseases, ailments, and afflictions mentioned therein.

On April 24, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16787. Adulteration and misbranding of Dakol nasal cream. U. S. v. 68 Packages of Dakol Nasal Cream. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23971. I. S. No. 08161. S. No. 2203.)

On August 31, 1929, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 68 packages of Dakol (nasal cream) remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the New Haven Laboratories (Inc.), New Haven, Conn., on or about January 7, 1929, and transported from the State of Connecticut into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum, chloramine-T (0.25 per cent), volatile oils including menthol, and a small amount of a saponifiable fat. Bacteriological examination showed that the product was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, (tube) "Antiseptic."

Misbranding was alleged for the reason that the statements (tube), "Antiseptic," and (carton) "Coat tip on tube with Dakol—to Antisepticize," were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, (tube) "For * * * relief of * * * Catarrh, Influenza, Bronchitis, Whooping Cough, Hay Fever, Sore Throat, Asthma. * * * To Prevent nose and throat infection. Squeeze * * * Dakol on * * * finger * * * into each nostril," (carton) "For relief of * * * Influenza, Bronchitis, Catarrh, Whooping Cough, Hay Fever, Sore Throat and Asthma. For the prevention of contagious diseases contracted through nose and throat. * * * Insert tip * * * into nostril * * * pinch tube and draw deep, long breath through nose until Dakol reaches the throat," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of such purchasers the impression and belief that it was effective in the treatment of disease or the prevention thereof.

On September 23, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16788. Adulteration and misbranding of Reno's antiseptic wash. U. S. v. 22 Bottles of Reno's Antiseptic Wash. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23824. I. S. No. 07201. S. No. 2006.)

On June 26, 1929, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 22 bottles of Reno's antiseptic wash, remaining in the original unbroken packages at Los Angeles, Calif., consigned by S. B. Leonardi & Co. (Inc.), New Rochelle, N. Y., alleging that on May 19, 1928, the article had been shipped from New Rochelle, N. Y., and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of water (99 per cent) and small amounts of boric acid, camphor, and a trace of alkaloids. Bacteriological examination showed that the product was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (carton and bottle label) "Antiseptic," whereas it fell below such professed standard.

Misbranding was alleged for the reason that the statements borne on the carton and bottle labels, "Antiseptic," and "Contents 4 fluid ounces," were false and misleading. Misbranding was alleged for the further reason that the statements appearing upon the carton label, "For Leucorrhoea or Whites and all discharges due to inflammation of the mucous membrane of the vagina," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof that it was composed of or contained ingredients or medicinal agents effective in the disease and conditions named therein.

On August 28, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16789. Misbranding of Devel's Grippe. U. S. v. 5 Dozen Packages of Devel's Grippe. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23400. I. S. No. 02385. S. No. 1576.)

On February 6, 1929, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 dozen packages of Devel's Grippe, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Devel's Chemical Co., from Sylvester, Ga., on or about January 11, 1929, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including glycyrrhiza and a laxative plant drug, saccharin, volatile oils including oil of anise, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, (carton) "24 Hour * * * Grippe, Cough, Flu, * * * Fever Knocker * * * something for every symptom that goes with * * * Grippe, Cough, Sore Throat, Bronchitis, Lumbago, Neuralgia, * * * Flu and Pneumonia. Reduces Fever Instantly. Relieves sufferers of Asthma Quickly. * * * Devel's Grippe * * * 'It's Powerful' relief starts immediately after the first dose. Preparation for * * * Grippe, Cough, Sore Throat, Bronchitis, * * * Flu and Pneumonia * * * Removes that Grippy Feeling Immediately after first dose. * * * Removes the Causes in Less than 24 Hours * * * Devel's Grippe is * * * especially prepared * * * for * * * Coughs, Grippe, Flu and Fever," (bottle) "24 Hour Knocker Devel's Grippe * * * 'It's Powerful' Relief Starts Immediately after the First Dose. Preparation for * * * Grippe, Cough, Sore Throat, Bronchitis, * * * Flu and Pneumonia, Reduces Fever Instantly, Removes that Grippy

Feeling Immediately after the first dose," (circular) "Devel's Grippe Kills * * * Flu Germs; Clears the System—Stops Cough Immediately. Makes you eat better—Sleep Better—Work Better—and feel better. * * * If your liver and lungs fail to do their duty, portions of waste matter remain in your stomach and intestines where the system is run down and is too weak to throw off the germ. Creosote is helpful in strengthening the lungs while the laxative we use is especially adapted for removing Cold from intestines. Devel's Grippe is recommended for * * * Cough, Grippe, Flu, Pneumonia, Sore Throat, Bronchitis, Asthma, Lumbago, Neuralgia, * * * Reduces Fever Instantly—Very Fine For Whooping Cough * * * It's Powerful! Kills * * * Flu Germ, removes that Grippy feeling immediately after the first dose. This great 24 Hour * * * Grippe, Cough, Flu and Fever Knocker * * * Devel's Grippe * * * It will work the Cold, Bile, Malaria, Filth and Impurities from your system in a surprising manner * * * and build you up all over as a general tonic. Removes the causes in less than 24 hours," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of such purchasers the impression and belief that it was composed of or contained ingredients or medicinal agents effective in the diseases and conditions named therein.

On September 17, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16790. Misbranding of Old Mission laxative cold tablets. U. S. v. 116 Dozen Boxes of Old Mission Laxative Cold Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23486. I. S. No. 01716. S. No. 1643.)

On March 7, 1929, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 116 dozen boxes of Old Mission laxative cold tablets, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by the S. Pfeiffer Manufacturing Co., from St. Louis, Mo., on or about January 24 and January 25, 1929, respectively, and transported from the State of Missouri into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of coated tablets containing chiefly acetanilid, a cinchonine compound, extracts of plant drugs including podophyllum and an emodin-bearing drug, terpin hydrate, milk sugar, methyl salicylate, and a small amount of potassium bromide.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article (carton) "For Coughs * * * LaGrippe * * * take 2 to 3 tablets every four hours until the cough * * * is relieved * * * After relief, take 1 tablet three times a day for three or four days," (large carton) "For * * * Coughs * * * LaGrippe," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of such purchasers the impression and belief that it was effective in the conditions and diseases named therein.

On September 10, 1929, a decree pro confesso having been theretofore entered, and due notice having been given to the owner and claimant of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16791. Misbranding of liquid Hog Health. U. S. v. 14 Packages of Liquid Hog Health. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23849. I. S. No. 01113. S. No. 1450.)

On or about November 28, 1928, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 packages of liquid Hog Health, remaining in the original unbroken packages at Manhattan, Kans., alleging that the article had been shipped by the General Veterinary Laboratory, from Omaha, Nebr., on or about September 7, 1928, and transported from the State of Nebraska into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium hydroxide, calcium compounds, phosphates, creosote, oil of chenopodium, traces of magnesium compounds, iodides, sulphates, and water.

It was alleged in substance in the libel that the article was misbranded in that it was labeled as follows, "Sick and Wormy Hogs, that are sick and wormy require special care and attention. * * * All hogs that are noticeably sick with any of the common hog diseases for which 'Liquid Hog-Health' is recommended, or are infested with worms, should immediately be given 'Liquid Hog-Health' medicated oats, mixed as described on other side of this label. * * * sick hogs will eat a small amount often and gradually eat more as they improve. Continue to feed 'Liquid Hog-Health' medicated oats each day for two weeks. * * * After two weeks gradually put them back on regular ration. Then feed 'Liquid Hog-Health' medicated oats twice a week to keep hogs in good condition. * * * Conditioning To keep hogs of any age or weight in condition feed 'Liquid Hog-Health' medicated oats twice each week. * * * For general conditioning satisfactory results can also be obtained by mixing 'Liquid Hog-Health' with the regular slop or soaked grain feeds * * * Hog-Health * * * Does 3 things for Hogs. * * * 'Liquid Hog-Health' mixed in slop in this way and fed daily makes an excellent tonic to stimulate the growth of backward pigs and shoats," which statements were false and fraudulent in that the article contained nothing to warrant the said therapeutic claims, and would not be effective for the said purposes.

On June 15, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16792. Misbranding of Healing ointment. U. S. v. 71 Packages of Healing Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23902. I. S. No. 08568. S. No. 2111.)

On August 5, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 71 packages of Healing ointment, remaining in the original unbroken packages at Greenfield, Mass., alleging that the article had been shipped by the Manhattan Drug Co., Brooklyn, N. Y., and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a petrolatum and wool fat base, zinc oxide, boric acid, phenol, sulphur, an empyreumatic substance such as cade oil, volatile oils including menthol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, (carton) "Sores, Bites, Eczema, Itch, Piles, * * * Skin Diseases and Injuries of all Character, * * * Heals * * * Healing * * * This product may be used with full confidence in its healing properties * * * For general and household use wherever a curative salve is indicated," (label on cover of metal box) "Healing Ointment * * * A harmless healing, nutritive, emollient for wounds, sores * * * bites * * * piles, ulcers, eczema and all skin diseases. Apply freely to afflicted parts," (circular)" It carries the relieving * * * healing * * * properties of the ointment all through the tissues where they are most needed. This emollient contains

the Healing * * * Properties * * * with a * * * Healing Base. * * * It * * * heals and forms new healthy tissue, in Old Sores, Ulcers, Wounds and all offensive non-healing eruptive surface skin diseases accompanied by a discharge. It is a specific for Piles, Hemorrhoids, Eczema, Salt-rheum, Itch, Ringworm, Scald-Head, Bites * * * and all Skin Diseases * * * It is a * * * healing remedy for Catarrh * * * Influenza, Hay Fever, and all diseases of the Mucous Membrane of the Nasal Passages. * * * Apply freely to afflicted parts * * * In the treatment of Old Sores, * * * etc. * * * For the treatment of Catarrh," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was effective in the treatment of disease or the prevention thereof.

On September 30, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16793. Misbranding of Sal-Tonik. U. S. v. Nine hundred and forty-two 50-Pound Blocks of Sal-Tonik. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23105. I. S. No. 013426. S. No. 1182.)

On February 7, 1929, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of nine hundred and forty-two 50-pound blocks of Sal-Tonik, remaining in the original unbroken packages at Lewistown, Mont., consigned by the Guarantee Veterinary Co., from Sioux City, Iowa, alleging that the article had been transported in interstate commerce, in part on or about June 16, 1928, and in part on or about June 29, 1928, from the State of Iowa into the State of Montana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride (87.8 per cent), calcium carbonate (4.2 per cent), and small amounts of an iron compound, sulphates, and sulphur.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labeling, regarding the curative and therapeutic effects of the said article, "Your Profitable Farm Animals are the Ones You Keep Well All the Time. Use Sal-Tonik For Protection—Prevention—Prosperity. This Farm Protected by Sal-Tonik. The One Great Disease Preventive—Worm Destroyer—Tonic and Conditioner. Effective and Efficient for all Farm Animals. * * * Sal-Tonik is * * * composed of laxatives, powerful tonics, bone building minerals and worm destroying, life-protecting drugs necessary for all farm animals * * * medicines, worm destroyers and conditioners they Need and Get * * * Sal-Tonik as a Vermifuge (worm destroyer), Appetizer, Laxative, Tonic, Bone Builder, and Conditioner * * * Sal-Tonik is intended to keep your animals From Getting Sick. The Sal-Tonik way is the 'Profit Way.' That is Keep Ahead of Disease Rather Than Behind It. * * * Sal-Tonik is sold under our Unparalleled Twelve-Point Guarantee to Prevent Intestinal Worms, Contagious Abortion, Bloating, Corn-Stalk Disease, and Necrotic Enteritis, and to make fattening cattle Fatten Faster and Finish Quicker, and milch cows to give More and Better Milk. * * * 'Every Day In Nature's Way' * * * they will Doctor Themselves Automatically, keeping in the Pink of Condition * * * effectiveness * * * In order to destroy Newly Hatched Worms, to Prevent Contagious Abortion, Bloating, Necrotic Enteritis and many other diseases, it is necessary to have the Sal-Tonik ingredients, in small quantities, in the animal's system at all times. This can only be accomplished by the Solid Block, and this is Why the United States and Canadian Governments recognized its merits and issued a Basic Patent on Sal-Tonik. * * * to prevent Bloating or Corn-Stalk Disease, * * * The Bloating Way * * * Bloating * * * We Guarantee that, when Sal-Tonik has been fed continuously to horses, cattle, sheep and hogs (according to directions) one week prior to turning them into clover or other succulent

pastures They Will Not Die from Bloating. Bloating is the result of colic, usually produced by the use of succulent clover or other pastures. The gases are caused by fermentation. The common treatment is Bicarbonate of Soda and other Sal-Tonik ingredients. When the proper percentage of these ingredients is in the stomach At The Time the Succulent Food Is Taken Into The Stomach, They Cannot Bloat because it Cannot Ferment when there is enough Soda In The Stomach To Prevent It. By licking the Sal-Tonik Blocks 'every Day in Nature's Way,' they keep Soda in the Stomach All the Time. Isn't it simple? Prevention means Protection. Protection means Profits. Profits means Prosperity. 'Sal-Tonik means All of Them' * * * Worms. Second: We guarantee that, when Sal-Tonik has been fed continuously to horses, cattle, sheep and hogs from birth, It Will Keep Them Rid of Intestinal Worms. It takes but a very Small Amount of vermifuge to Destroy these worms as Soon as they are Hatched. * * * They can lick the Sal-Tonik 'Every Day in Nature's Way.' You Should Destroy these worms While They Are Small And Before they get Large Enough to Injure the Animal. * * * Abortion, Third: We Guarantee that when Sal-Tonik has been fed continuously to mares, cows, ewes and sows from feeding time, They Will Be Kept Free From Contagious Abortion * * * Licking the Sal-Tonik 'every day in nature's way,' Sal-Tonik purifiers and germicides passing off through the urine should Prevent Contagion and Destroy the Germs That Cause It. * * * Bloating Fourth: We Guarantee that, when Sal-Tonik has been fed continuously to horses, cattle, sheep and hogs one week prior to turning them into clover or other succulent pastures They Will Not Die from Bloating. * * * A common treatment is Bicarbonate of Soda and other Sal-Tonik ingredients. When the proper percentage of these ingredients is in the stomach At The Time the Succulent Food is Taken Into The Stomach, They Cannot Bloat because it Cannot Ferment when there is enough Soda In The Stomach To Prevent It. By licking the Sal-Tonik Blocks 'every day in nature's way,' They Keep Soda In The Stomach All the Time. * * * Corn-Stalk Disease * * * We Guarantee that, when Sal-Tonik has been fed continuously to horses, cattle, sheep and hogs one week prior to turning them into corn stalk fields They Will Not Die from 'Corn Stalk Disease.' We claim Corn Stalk Disease is caused by lack of Digestive Juices, because there is usually only roughage in the stomach when cattle die of Corn Stalk Disease. Sal-Tonik stimulates the secretions. * * * Necrotic Enteritis. Sixth: We Guarantee that, when Sal-Tonik has been fed continuously to pigs from birth they Will Not Die from Necrotic Enteritis. We claim it is caused by Germs which can Only Grow or Develop Where Over Acidity (Sourness) of the Intestinal Content exists. Soda and other Sal-Tonik ingredients should keep the Intestinal Contents Alkaline (sweet). Prevent Over Acidity and thereby Prevent the Growth of These Germs Which Are Always Present in Necrotic Enteritis. It is Hard to Cure, and should be Prevented by licking Sal-Tonik. 'Every Day in Nature's Way,' Prevent the Cause. * * * We Guarantee that when Sal-Tonik has been fed to horses, cattle, sheep and hogs from birth, they will develop Stronger and Larger Bones than those that do not receive Sal-Tonik ingredients. * * * Constipation. Eighth: We Guarantee that Sal-Tonik contains Laxatives that are of Valuable Assistance to horses, cattle, sheep and hogs in Preventing Constipation the Forerunner of Many Diseases. Sal-Tonik Laxatives tend to prevent constipation * * * Tonics. Ninth: We guarantee that, Sal-Tonik contains Tonics that are Beneficial to horses, cattle, sheep and hogs and when fed to them continuously will aid and Assist Their Digestion and Help to Balance Their Ration and Assist Them in Digesting What They Eat. We claim the tonics—system builders—ration balancers in Sal-Tonik are Consumed As They Should Be. Tonics Build Up The System—the sodas help to Keep The Stomach Sweet and balance the ration. * * * Drugs. Tenth: We guarantee that the questions from the United States (Medical) Dispensatory showing Why and For What Purpose we use Each and Every Ingredient in Sal-Tonik is Substantially Correct. All quotations pertaining to Sal-Tonik ingredients are taken from the United States Medical Dispensatory (our highest Medical authority) showing Why and for What Purpose we use Each And Every Ingredient. * * * More Fat—More Milk. Eleventh: We guarantee that, when Sal-Tonik has been fed to fattening cattle They Will Fatten Faster and Finish Quicker, and when fed to milk cows they will give More and Better Milk. * * * Sal-Tonik should Aid his Digestion, Keep his Hair Smoother, reduce

the Amount of Gases and make him Drink Much More Water and Fatten Faster. * * * Twelve: We guarantee and Agree to refund In Cash, to the user The Full Purchase Price paid For All Sal-Tonik that has been fed to horses cattle, sheep and hogs that die of Any Disease While Being Fed Sal-Tonik according to the printed directions below. * * * Worms, * * * Abortion, Bloating, Corn Stalk Disease, Necrotic Enteritis, Bones, Physics, Tonics * * * More fat more Milk," (cut of figures on which are the following words, "Death," "Disease," "Agony," "Sickness," "Worms," "Indigestion," "Cholera," "Constipation"), (cut of animals under the heading "The Bloating Way," containing the following words, "Dying," "Dead," "Bloating"), and (cut of animals under the heading "The Sal-Tonik Way," containing the words, "Protected," "Safe," "Satisfied"), were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was composed of or contained ingredients or medicinal agents effective in the diseases and conditions named therein.

On August 13, 1929, the Farmers Elevator Co., Lewistown, Mont., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$750, conditioned in part that it be relabeled to the satisfaction of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16794. Misbranding of Dionol. U. S. v. 4 Dozen Packages of Dionol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23369. I. S. No. 04122. S. No. 1535.)

On February 5, 1929, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 4 dozen packages of Dionol, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the Dionol Co., from Detroit, Mich., on or about January 14, 1929, and transported from the State of Michigan into the District of Columbia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of white petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, (carton) "Localized inflammations such as hemorrhoids * * * infections, * * * inflammatory throat and lung conditions, etc.," (circular) "For local inflammation in and all parts of the body. * * * General Directions: * * * In severe cases with high inflammation, apply fresh ointment every few hours, after removing the ointment previously applied, with clean gauze. On ulcerated surfaces, gauze may be interposed between the flesh and the cotton. Important— * * * In throat and lung diseases and where otherwise indicated, a small quantity of plain Dionol may be given internally. * * * Dionol is indicated wherever localized inflammation is present and especially in the following conditions: Infected Wounds, Ulcers * * * Endometritis, Pelvic Congestions, Pneumonia-Influenza, Throat and Lung Troubles, Inflammatory Skin Troubles, Glandular Swellings, Obstetric Complications, Hemorrhoids * * * Neuritis. Wounds—1. If Dionol is applied to a wound from which the visible dirt has been removed before the inflammation occurs, it will prevent the onset of acute inflammation. If there is severe destruction of the tissues, cutting off the nerve and blood supply, the tissues thus deprived will of course die, but there will be no further spread of the inflammation. Ulcers In General—Dionol is very effective in ulcerous conditions generally. Indolent ulcers and varicose ulcers yield readily under its use. In the case of the so-called chronic or obstinate ulcers of long standing, the element of local inflammation has had added to it another which produces considerable induration of the tissues and is responsible for failure to respond to ordinary methods. * * * It is also noted that in chronic cases, where there is considerable induration, the primary applications of Dionol may be followed by pain and soreness in the region. This is due to the overcoming of the stasis; the old and

partially atrophied blood vessels and tissues are being filled with new blood. * * * Periostritis, Felons, Boils, Abscesses, Carbuncles, Swollen Glands, Peritonitis—in these conditions and wherever local inflammation is present, marked results will quickly follow the use of Dionol applied as per general directions. * * * This prescription—the suggestion of a nasal specialist, is exceptionally effective in * * * catarrhal stenosis, etc., etc. It is particularly effective in herpes facialis ('cold sores,' 'fever blisters') * * * Dionol For Pelvic Congestions and Orificial Uses * * * Piles—Apply Dionol externally. Also inject it by means of the rectal pipe, retaining the Dionol all night. Also after stool, when convenient. Urethral Irritation in Women—Apply Dionol Ointment locally over the vulva and inject a small amount directly into the urethra. The pile pipe accompanying the Dionol tube may be used for this purpose. Endometritis—Apply 2 drams Dionol on tampon. Retain 24 hours. Remove and follow with douche of plain warm water. Repeat daily long as necessary. Apply Dionol externally over abdomen nightly. * * * The two important factors to be remembered in administering Dionol treatment are to bring the ointment into contact with the affected area and keep the applications as nearly continuous as possible," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was effective in the diseases and conditions named therein.

On August 19, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16795. Misbranding of Vapomentha salve. U. S. v. 11% Dozen Jars of Vapomentha Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23825. I. S. No. 03746. S. No. 1999.)

On June 19, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11% dozen jars of Vapomentha salve, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Rox Chemical Co., from Louisville, Ky., on or about April 20, 1927, and transported from the State of Kentucky into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a petrolatum base, turpentine oil, and volatile oils including camphor, menthol, and eucalyptus oils.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, (cap on jar) "For Croup and Pneumonia," (jar label) "For Croup and Pneumonia * * * for Sore Throat, Tonsillitis, Coughs * * * Etc. Use as for Croup for Catarrh, Hay Fever, Bronchitis * * * Whooping Cough, Asthma, Influenza and La Grippe—Insert a small amount * * * up each nostril * * * inhale the vapor. For Piles * * * For Croup.—Apply Vapomentha to chest and throat, rubbing in well * * * Leave the covering loose around the neck, so that * * * Vapors * * * may be fully inhaled. In severe cases where the child is choking, heat some in spoon, and let child inhale the vapor. For Pneumonia.—Apply Vapomentha over the side and chest * * * spread on hot flannel and put on chest; so that patient can breathe the fumes. * * * Bites of all other poisonous insects," (carton) "For Croup and Pneumonia * * * A * * * quick remedy and preventive for these certain and dangerous diseases, * * * and all affections of the Throat and Lungs * * * For Croup and Pneumonia * * * instant relief for Croup, Pneumonia, Bronchitis, * * * Asthma, Muscular Rheumatism * * * Piles, * * * Inflammation of the Skin and Muscles. Useful for all kinds of Sores, * * * Eczema, * * * Sore Throat, Earache, Toothache, Headache, Neuralgia, Etc. * * * Vital Statistics. The North Carolina State Board of Health states that 40% of the deaths of children could be prevented. Be prepared to save the life of your little one by having on hand at all times a bottle of Brame's Vapomentha Salve which not only prevents but relieves Croup and Pneumonia, Colds and

Affections of the Air Passages," (shipping carton) "Saves Baby's Life * * * For Croup and Pneumonia * * * An almost instant relief for Croup, Pneumonia, Bronchitis, * * * Asthma, Muscular Rheumatism, * * * Piles, * * * Inflammation of the Skin and Muscles. Useful for all kinds of Sores * * * Eczema, * * * Sore Throat, Earache, Toothache, Headache, Neuralgia, Etc. * * * Vital Statistics * * * The North Carolina State Board of Health states that 40% of the deaths of children could be prevented. Be prepared to save the life of your little one by having on hand * * * a bottle of Brame's Vapomentha Salve, which not only prevents but relieves Croup and Pneumonia, * * * Catarrh and affections of the Air Passages," (circular) "For Croup and Pneumonia * * * This manner of treating Croup and Pneumonia has revolutionized Medical Science, and has made treatment safe and easy * * * Brame's Vapomentha Salve is a certain preventive and specific. The new mode of treating Croup and Pneumonia by the application of this salve fills a long felt need in the treatment of infants and children. When it is applied it produces * * * vapor which reaches the affected parts, breaking up the congestion and relieving the inflammation and * * * For Croup. For Croup it works as if by magic—relieving the choking, breaking up the congestion and leaving the patient in a very comfortable condition in a few minutes. * * * Brame's Vapomentha Salve * * * often forestalls a serious situation when this dreaded disease comes in the late hours of night. * * * In desperate cases apply every thirty minutes. For Pneumonia, Pleurisy, Bronchitis and Pains in the Lungs. It breaks congestion, heals the inflammation, reduces the fever and relieves the sharp pains. * * * Use the salve as in croup. Renew application every hour until congestion is broken and fever reduced. * * * Grippe, Coughs and Whooping Cough. * * * for Croup and Pneumonia is an excellent remedy for * * * Grippe, Coughs and Whooping Cough. Use as for Croup and Pneumonia * * * Sore Throat, Tonsillitis and Hoarseness. In case of Sore Throat, Tonsillitis and Hoarseness, it heals the inflammation and relieves the soreness and swelling by removing the cause * * * For Catarrh, Asthma, Hay Fever * * * For Catarrh, * * * For Asthma and Hay Fever * * * heat * * * preparation * * * allow patient to breathe the fumes—getting immediate relief. Inflamed Glands * * * Swellings. For inflamed glands * * * swellings * * * Boils * * * Sting of Poisonous Insects and Other Inflammations of the skin * * * We have used it for nearly all the ills for which it is prescribed and have always secured satisfactory results. If used in time, it has never failed to break up colds, usually the forerunners of Grippe, Influenza and Pneumonia. In the treatment of Spanish Influenza, which is so prevalent and which has caused so many cases of Pneumonia resulting in many deaths, it has been used very extensively with most excellent results. * * * used in time it will prevent the development of Pneumonia in every instance," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof that it was composed of or contained ingredients or medicinal agents effective in the diseases and conditions named therein.

On October 8, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16796. Misbranding of Ferrasal. U. S. v. 4 Dozen Bottles of Ferrasal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23826. I. S. No. 09356. S. No. 2023.)

On June 18, 1929, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 dozen bottles of Ferrasal at St. Louis, Mo., alleging that the article had been shipped by the Crown Remedy Co., from Dallas, Tex., on or about March 28, 1929, and transported from the State of Texas into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium bicarbonate (48 per cent), magnesium carbonate

(25 per cent), small amounts of calcium and iron carbonates, salicylic acid, a tartrate, and starch, flavored with oil of peppermint.

It was alleged in the libel that the article was misbranded in that the following statements borne on the label of each package, regarding the curative and therapeutic effects of the said article, "Ferrasal * * * is indicated in the numerous health troubles caused by an excess of acids in the system. Acute Indigestion * * * Dysentery and Constipation are often caused by hyper-acidity. Ferrasal will give relief in such cases. It will also be found helpful in Kidney and Bladder trouble * * * the sign of good health * * * Stops Indigestion Now. * * * For Acute Indigestion take * * * Also take * * * after any meal that fails to assimilate properly * * * In cases of Dysentery and Ptomaine Poisoning call your physician and take * * * immediately. For Chronic Acidosis take * * * until condition becomes normal. In Severe Cases," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 19, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16797. Adulteration and misbranding of Dakol nasal cream. U. S. v. 9 Dozen Packages of Dakol Nasal Cream. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23990. I. S. No. 03925. S. No. 2258.)

On September 6, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 dozen packages of Dakol (nasal cream), remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by the New Haven Laboratories (Inc.), New Haven, Conn., on or about January 19, 1929, and transported from the State of Connecticut into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum, chloramine-T (0.25 per cent), volatile oils including menthol, and small amounts of a saponifiable fat and water. Bacteriological examination showed that the product was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, (tube) "Antiseptic."

Misbranding was alleged for the reason that the statements, (tube) "Antiseptic," and (carton) "Coat tip on tube with Dakol—to Antisepticize," were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, (tube) "For * * * relief of * * * Catarrh, Influenza, Bronchitis, Whooping Cough, Hay Fever, Sore Throat, Asthma. * * * To Prevent nose and throat infection. Squeeze * * * Dakol on * * * finger * * * into each nostril," (carton) "For the relief of * * * Influenza, Bronchitis, Catarrh, Whooping Cough, Hay Fever, Sore Throat, and Asthma. For the prevention of contagious diseases contracted through nose and throat. * * * Insert tip * * * into nostril * * * pinch tube and draw deep, long breath through nose until Dakol reaches the throat," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of such purchasers the impression and belief that it was composed of or contained ingredients or medicinal agents effective in the treatment of disease or the prevention thereof.

On September 30, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16798. Misbranding of Nozol. United States v. 17 Dozen Small-Sized Bottles, et al., of Nozol. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23678, 23679, 23680. I. S. Nos. 09182, 09183, 09184, 09207, 09208. S. Nos. 1869, 1918, 1919.)

On May 13, 1929, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 27½ dozen small-sized bottles and 8½ dozen large-sized bottles of Nozol at Chicago, Ill., alleging that the article had been shipped by the Nozol Co. (Inc.), in part from Ettna, Pa., and in part from Pittsburgh, Pa., in various consignments on or about March 21, April 3, and April 5, 1929, respectively, and transported from the State of Pennsylvania into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a mineral oil containing small amounts of camphor, menthol, and oil of peppermint. Bacteriological examination showed that the product was not antiseptic.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, (bottle label, small size) "Keeps the nose clean and healthy," (bottle label, large size) "Keeps the nose clean and healthy * * * Unequaled in cases of Catarrh, Hay Fever, Asthma and General Nose Troubles. Permits free and easy breathing, * * * use it regularly to kill germs lodging in the nose," (carton accompanying large-sized bottles) "Keeps the nose clean and healthy * * * Nose Remedy Keep the nose healthy with Nozol * * * Excellent for Catarrh, Hay Fever, Asthma, etc.," (counter display card accompanying portion of small-sized bottles) "Relieves Sinus trouble * * * Makes Breathing Easy * * * Recommended by Specialists for * * * Hay Fever, General Nose Troubles use Nozol for Sinus Trouble," (small folder accompanying all packages) "Nozol America's Nose Remedy * * * The health and Care of the Nose. Medical authorities are stressing the importance of the proper, regular care of the nose as a preventive of disease as well as in the treatment where infection has already set in. Most of the troubles of the human race can be traced to germs and it is through the nasal passages that many of these germs enter. We constantly breathe air that is filled with dust, germ-laden particles,—some of these pass off with the nasal secretions. However, not all are passed because many lodge on the moist membranous linings and soon an infection appears. Regular cleaning of the nasal passages is as important as cleaning your teeth,—the fact that they cannot readily be seen results in many people neglecting them. Nozol is today recognized by physicians, hospitals and specialists as the foremost preparation for the treatment of general nasal troubles. Furthermore, they recommend Nozol to prevent as well as to check disease, * * * Nozol * * * healing * * * the infected parts and helping to stop further spread of the infection * * * permits sufficient time for therapeutic action * * * Nozol * * * is an effective agent in combating sinus trouble. * * * Nozol is a liquid * * * reaching all parts of the mucous membrane, whereas salves and ointments seldom reach all the infected parts. Nozol for Nasal Catarrh. Catarrh of the nose is one of the most common of diseases. Chronic inflammation of the membrane caused usually by excessive secretion is usually present in nasal catarrh and daily use of Nozol should be followed. The healing soothing qualities of Nozol will greatly aid nature in curing this catarrhal condition * * * Nozol for Hay Fever, Sufferers from Hay Fever seldom receive the sympathy to which they are entitled and no certain cure has ever been discovered. Thousands today are getting welcome relief during severe attacks and others start prevention early through the use of Nozol. Pollen, that carries the dreaded hay fever, attacks the delicate tissues of the lining. Nozol, when used in time spreads over the tissues preventing the pollen from attacking the lining * * * Nozol for Sinus Trouble * * * It is estimated that two out of three people in America are troubled with sinus infection of varying degrees. Sinus trouble usually follows severe colds and is indicated by frequent headaches, drippings of mucous into the throat, stoppage of nasal passages and soreness and tenderness beneath the eye and over the cheek bone. If nature is allowed free rein, it can usually correct this condition. Nozol most effective preparation for sinus trouble. By using Nozol regularly, the nasal passages are kept clear and clean and proper drainage of the sinus allowed. Use frequently, three or four times a day if convenient, and shortly the most

stubborn cases of sinus trouble usually will yield to this treatment. Physicians are among those loudest in their praise of Nozol for sinus trouble * * * people having trouble breathing while sleeping and this is also true in case of children, can overcome this condition by clearing out the passages with Nozol," were false and fraudulent in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of such purchasers the impression and belief that the article was composed of or contained ingredients or medicinal agents effective as a remedy for the several diseases, ailments, and afflictions mentioned therein, whereas it contained no ingredients or medicinal agents capable of producing the effects claimed.

On July 24, 1929, and September 10, 1929, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16799. Adulteration and alleged misbranding of A. D. S. cold and grippe tablets. U. S. v. 113½ Dozen Packages of A. D. S. Cold and Grippe Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23389. I. S. No. 05293. S. No. 1556.)

On February 13, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 113½ dozen packages of A. D. S. cold and grippe tablets at Chicago, Ill., alleging that the article had been shipped by the Vadsco Sales Corporation, from Long Island City, N. Y., January 5, 1929, and transported from the State of New York into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetanilid (1.77 grains) and quinine sulphate (0.25 grain) per tablet, aloin, camphor, capsicum, and extract of podophyllum.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, (large carton) "Grippe Tablets," (individual carton) "Remedy for * * * Grippe," and (circular) "Grippe Remedy," were false and fraudulent in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was composed of or contained medicinal agents effective as a remedy for the diseases, ailments, and afflictions mentioned therein. Misbranding was alleged for the further reason that the statement borne on the label, "Each tablet contains 2 grains of acetanilide," was false and misleading.

It was further alleged in the libel that the article was misbranded in that its strength fell below the professed standard under which it was sold, in that it was sold under the following standard, "Each tablet contains 2 grains of acetanilide," which statement represented that each tablet of the article contained 2 grains of acetanilid, whereas the said article failed to contain 2 grains of acetanilid (per tablet). Regarding this last charge, the recommendation of this department was that the article was adulterated for the reasons charged in the libel.

On April 24, 1929, no claimant having appeared for the property, judgment was entered condemning and forfeiting the product as adulterated, and it was ordered by the court that the said product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16800. Misbranding of Astyptodyne and Astyptodyne cough syrup. U. S. v. 69 Bottles of Astyptodyne Cough Syrup, et al. Default orders of destruction entered. (F. & D. Nos. 23574, 23575. I. S. Nos. 05697, 05698. S. Nos. 1771, 1783.)

On April 5, 1929, the United States attorney for the Western District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 69 bottles of Astyptodyne cough syrup, and 24 bottles of Astyptodyne at Spartanburg, S. C., alleging that the articles had been shipped

by the Astyptodyne Chemical Co., from Wilmington, N. C., in various consignments, on or about December 24, 1928, January 1, 1929, and January 26, 1928, respectively, and transported from the State of North Carolina into the State of South Carolina, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Astyptodyne cough syrup consisted of sugar sirup and 2 per cent of pine oil, and that the Astyptodyne consisted of pine oil.

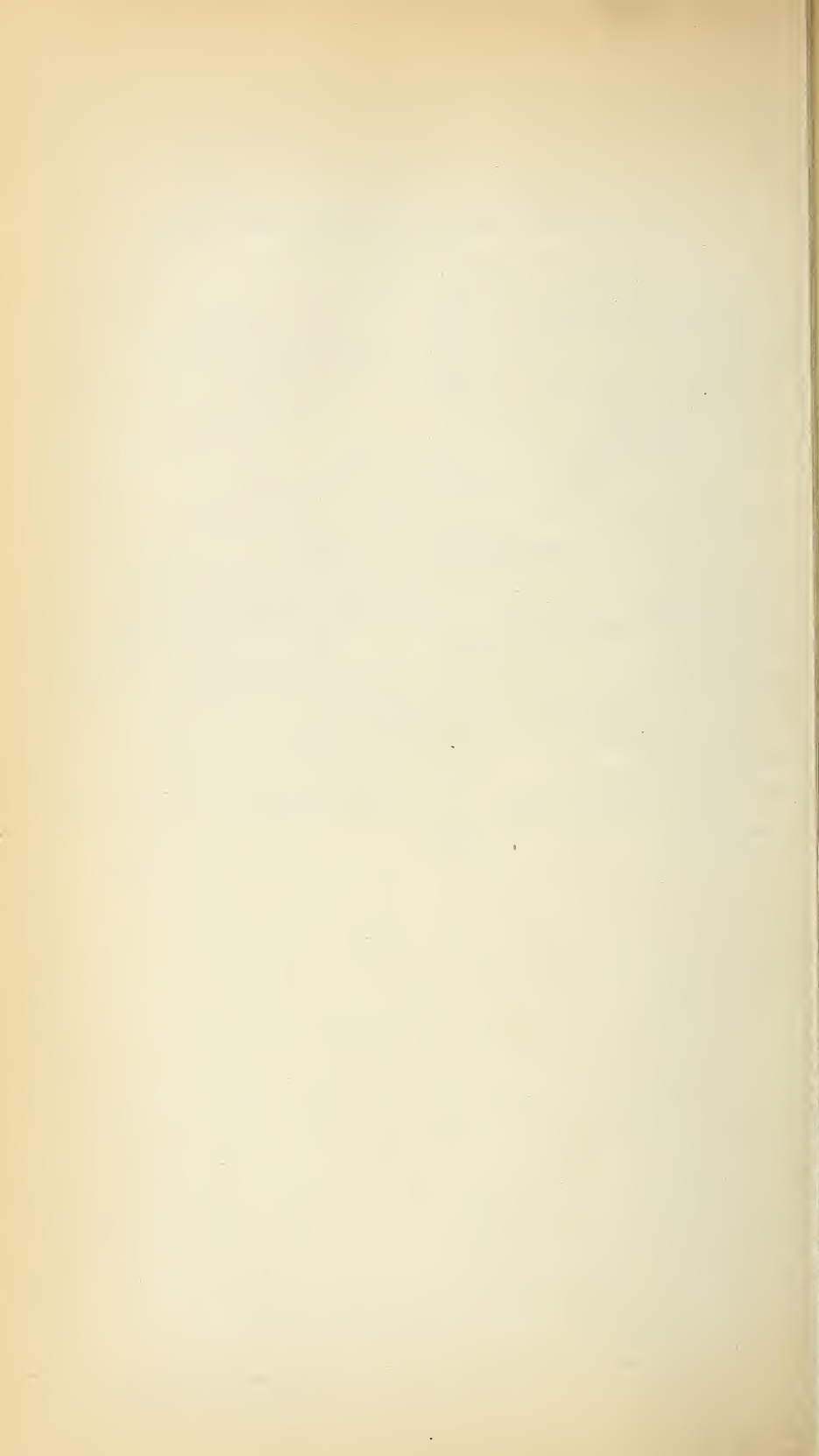
It was alleged in the libels that the articles were misbranded in that the following statements borne on the labels regarding the curative and therapeutic effects of the said articles were false and fraudulent, (Astyptodyne cough syrup, bottle) "For Coughs, sore throat, bronchitis, whooping cough and croup," (Astyptodyne cough syrup, carton) Astyptodyne cures all wounds except of the heart. It is healing to the membranes of the throat * * * In the treatment of coughs, * * * bronchitis, croup, sore throat, whooping cough, influenza, and other diseases of the throat and chest," (Astyptodyne, bottle) "For old ulcers, * * * sores * * * wounds, for skin eruptions, itch, eczema * * * rheumatism, neuralgia * * * swellings * * * to relieve toothache or other nervous * * * pain * * * for irritation of the * * * Lungs. For Rheumatism * * * Neuralgia, Swollen Joints * * * For Toothache * * * the relief will be almost instantaneous. For * * * Sore Throat, Influenza or Hay Fever," in that the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed, and in that the said statements were applied to the articles knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that they were effective in the diseases and conditions named therein. Misbranding of the Astyptodyne was alleged for the further reason that the statements on the labels of the bottles and cartons, "Antiseptic * * * Germicidal," and in the circular, "Antiseptic," were false and misleading.

On June 1, 1929, no claimant having appeared for the property, it was ordered by the court that the products be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

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United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16801-16825

[Approved by the Secretary of Agriculture, Washington, D. C., June 13, 1930]

16801. Adulteration and misbranding of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24152. I. S. No. 021247. S. No. 2303.)

On September 10, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Steele County Creamery & Produce Co., Finley, N. Dak., on or about August 22, 1929, and transported from the State of North Dakota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 17, 1929, the Fox River Butter Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$350, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16802. Misbranding of cottonseed meal. U. S. v. 371 Sacks of Cottonseed Meal. Product ordered released under bond. (F. & D. No. 23204. I. S. Nos. 02259, 02260. S. No. 1305.)

On November 19, 1928, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 371 sacks of cottonseed meal, remaining in the original unbroken packages at Opelika, Ala., alleging that the article had been shipped by the Planters Oil Co., from Albany Ga., October 15, 1928, and transported from the State of Georgia into the State of Alabama, and charging misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "One Hundred Pounds Standard Cotton Seed Meal Guaranteed Analysis Protein 36.00% Ammonia 7.00% * * * Manufactured by Planters Oil Co., Albany, Georgia." The remainder of the said article was labeled in part:

"Columbus Brand Cotton Seed Meal 100 Lbs. Net Weight. Guaranteed Analysis Protein (minimum) 36.00% * * * Manufactured for Dan Joseph Company, Columbus, Ga."

Misbranding of the article was alleged in the libel for the reason that the statements on the packages, "Guaranteed Analysis Protein 36.00% Ammonia 7.00% One Hundred Lbs. Net Weight," were false and misleading and deceived and misled the purchaser in that the said article contained a less quantity of protein and ammonia, and for the further reason that it was offered for sale under the distinctive name of another article.

On January 30, 1929, the Planters Oil Co., Albany, Ga., claimant, having admitted the allegations of the libel and having executed a bond in the sum of \$800, conditioned that the product would not be resold in violation of the law, a decree was entered by the court approving the said bond and ordering that the product be released to the claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16803. Misbranding of Flavonut. U. S. v. Ed. S. Vail Butterine Co. Plea of guilty. Fine, \$100. (F. & D. No. 23714. I. S. No. 22001-x.)

On March 9, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ed. S. Vail Butterine Co., a corporation, trading at Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act as amended, on or about February 21, 1928, from the State of Illinois into the State of Colorado, of a quantity of Flavonut which was misbranded. The article was labeled in part: "One Pound Net Flavonut * * * A Nut Product * * * Ed. S. Vail Butterine Co., Chicago, Ill."

It was alleged in the information that the article was misbranded in that the statement, to wit, "One Pound Net," borne on the packages containing the article, was false and misleading in that the said statements represented that the packages each contained 1 pound net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages each contained 1 pound net of the article, whereas they did not, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 8, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16804. Adulteration of butter. U. S. v. 24 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24031. I. S. No. 010247. S. No. 2235.)

On August 6, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 24 tubs of butter at Chicago, Ill., alleging that the article had been shipped by the Bruce Creamery Co., from Bruce, S. Dak., July 27, 1929, and transported from the State of South Dakota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent, to wit, butterfat, had been in part abstracted from the said article, and in that it contained less than 80 per cent of butterfat.

On September 6, 1929, Gallagher Bros., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reprocessed so as to remove the excess water and raise the butterfat content to not less than 80 per cent.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16805. Adulteration of butter. U. S. v. 87 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24136. I. S. No. 011509. S. No. 2318.)

On September 13, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 87 boxes of butter, remaining in the original unbroken packages at Springfield, Mass., consigned on or about August 27, 1929, alleging that the article had been shipped by the North American Creameries (Inc.), Carrington, N. Dak., and transported from the State of North Dakota into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter, which the said article purported to be, the act of Congress approved March 4, 1923, providing that butter contain not less than 80 per cent by weight of milk fat.

On September 18, 1929, the North American Creameries (Inc.), Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it be reworked, under the supervision of this department, so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16806. Adulteration of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24228. I. S. No. 016231. S. No. 2400.)

On September 20, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the York Cooperative Creamery Co., from Williamsburg, Iowa, September 9, 1929, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted, wholly or in part, for the said article, in that a valuable constituent, butterfat, had been in part abstracted from the article, and in that it contained less than 80 per cent of butterfat.

On September 26, 1929, the H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed under the supervision of this department so that it contain not less than 80 per cent of milk fat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16807. Adulteration and misbranding of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24135. I. S. No. 021238. S. No. 2285.)

On September 4, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Ideal Creamery Co., Aitkin, Minn., on or before August 23, 1929, and transported from the State of Minnesota into the State of New York, received on or about August 30, 1929, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 13, 1929, the Ideal Creamery Co., Aitkin, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of \$350, or the execution of a bond in like amount, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16808. Adulteration and misbranding of canned salmon. U. S. v. 599 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24002. I. S. No. 011611. S. No. 2281.)

On September 10, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 599 cases of canned salmon, remaining in the original unbroken packages at Boston, Mass., consigned July 26, 1929, alleging that the article had been shipped by the Whitney-Ellsworth Co., from Seattle, Wash., and transported from the State of Washington into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Case and can) "Red Rambler Brand Red Salmon. Packed for Whitney-Ellsworth Co., Seattle, U. S. A."

It was alleged in the libel that the article was adulterated in that another substance, to wit, Coho salmon, had been substituted wholly for the said article.

Misbranding was alleged for the reason that the statements on the cases and cans, "Red Rambler Red Salmon," were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On October 7, 1929, the Whitney-Ellsworth Co., Seattle, Wash., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$8,000, conditioned in part that the labels be stripped from the cans, and the labels, marks, and brands removed or obliterated from the cases under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16809. Adulteration and alleged misbranding of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24232. I. S. No. 020938. S. No. 2316.)

On August 30, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Rewey Creamery Co., from Rewey, Wis., on August 13, 1929, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent, to wit, butterfat, had been in part abstracted from the article, and in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 6, 1929, Gallagher Bros., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reprocessed so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16810. Adulteration and misbranding of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24225. I. S. No. 021751. S. No. 2362.)

On September 24, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Roslyn Creamery Co., Roslyn, S. Dak., in two consignments, on or before September 10 and September 14, 1929, respectively, and transported from the State of South Dakota into the State of New York, arriving on or about September 20, 1929, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 28, 1929, the Roslyn Creamery Co., Roslyn, S. Dak., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs, and the execution of a bond in the sum of \$400, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16811. Adulteration and misbranding of butter. U. S. v. 67 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24227. I. S. No. 024379. S. No. 2370.)

On September 28, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel praying seizure and condemnation of 67 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Day Cooperative Creamery Association, Braham, Minn., alleging that the article had been shipped from Braham, Minn., on or about September 26, 1929, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article, and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On October 11, 1929, Wm. M. Lippincott & Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of costs and the execution of a bond in the sum of \$2,680, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16812. Adulteration of canned strawberries. U. S. v. 59 Cases of Canned Strawberries. Default order of destruction entered. (F. & D. No. 23027. I. S. No. 01240. S. No. 1119.)

On August 28, 1928, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court for said district a libel praying seizure and condemnation of 59 cases of canned strawberries, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Paulus Bros. Packing Co., from Mount Angel, Oreg., on or about August 3, 1928, and transported from the State of Oregon into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Brookland Strawberries * * * Oregon Growers Cooperative Association, * * * Salem, Oregon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On April 11, 1929, upon the filing of an affidavit by the United States attorney that the product was unfit for consumption as food, a decree was entered by the court, ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16813. Misbranding of butter. U. S. v. 5 Cartons of Butter. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 24055. I. S. No. 03715. S. No. 2155.)

On July 23, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 cartons of butter at Union City, N. J., alleging that the article had been transported in interstate commerce by M. Rosso, in his own truck from the premises of Kurtin & Kurtin, New York, N. Y., to his own premises in Union City, N. J., on or about July 17, 1929, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Creamery Butter One Pound Net."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound Net," was false and misleading and deceived the purchaser, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "One Pound Net" was incorrect.

On August 27, 1929, by consent of the claimant, M. Rosso, Union City, N. J., judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16814. Adulteration and misbranding of butter. U. S. v. 5 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24226. I. S. No. 021268. S. No. 2352.)

On September 23, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Elbow Lake Company Cooperative Creamery at Elbow Lake, Minn., on or about September 12, 1929, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On October 1, 1929, the Great Atlantic & Pacific Tea Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be reworked and reprocessed so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16815. Misbranding of butter. U. S. v. 18 Cases of Butter, et al. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 24229, 24230. I. S. Nos. 021092, 021093. S. Nos. 2350, 2351.)

On September 21, 1929, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 23 cases of butter, remaining in the original unbroken packages at Bridgeport Conn., alleging that the article had been shipped by J. R. Kramer (Inc.), from New York, N. Y., in various consignments, on or about September 3, September 11, and September 14, 1929, respectively, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended.

A portion of the article was labeled in part: (Roll) "One Pound Red Seal Brand Creamery Butter 16 Oz. Put up by Wurtzel & Gordon, Inc. Bridgeport, Conn." The remainder of the said article was labeled in part: (Roll) "One Pound Net Weight The Lenox Brand Butter * * * John R. Woodhull * * * Bridgeport."

It was alleged in the libels that the article was misbranded in that the statements, "One Pound," "16 Oz.," and "One Pound Net Weight," as the case might be, were false and misleading and deceived the purchaser. Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements, "One Pound," "16 Oz.," and "One Pound Net Weight," were incorrect.

On October 8, 1929, J. R. Kramer (Inc.), New York, N. Y., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$600, conditioned in part that it be returned to the factory and reprinted into full quarter-pound sections and packed into full 1-pound packages, or reprinted in one full 1-pound rolls, so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16816. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24011. I. S. No. 04517. S. No. 2150.)

On or about July 22, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Rock Falls Creamery Co., from Caryville, Wis., July 9, 1929, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent, butterfat, had been in part abstracted from the article, and in that it contained less than 80 per cent of butterfat.

On September 10, 1929, Edward Macek, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16817. Adulteration and misbranding of butter. U. S. v. 45 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24231. I. S. No. 019928. S. No. 2332.)

On September 10, 1929, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 45 tubs of butter, remaining in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped by the Merchants Creamery Co., Springfield, Mo., on or about July 30, 1929, and transported from the State of Missouri into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter, which the article purported to be. Adulteration was alleged for the further reason that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the article was sold as butter when it should have contained not less than 80 per cent by weight of milk fat, as prescribed by law.

On October 15, 1929, the Merchants Creamery Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for salvaging under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16818. Adulteration of canned salmon. U. S. v. 63 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24071. I. S. No. 09947. S. No. 2299.)

On September 16, 1929, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 63 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by J. T. Toman, Anchorage, Alaska, August 12, 1929, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On October 8, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16819. Adulteration of frozen poultry. U. S. v. 2 Barrels of Frozen Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23986. S. No. 021139. S. No. 2243.)

On September 6, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 barrels of frozen poultry at New York, N. Y., alleging that the article had been shipped by the R. S. Buchanan Co. (Inc.), from Perry, Mo., on or about August 21, 1929, and transported from the State of Missouri into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On October 8, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16820. Misbranding of cottonseed meal. U. S. v. 500 Sacks of Cottonseed Cake or Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23270. I. S. No. 07507. S. No. 1384.)

On December 24, 1928, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 500 sacks of cottonseed cake or meal, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Dallas Oil & Refining Co., from Dallas, Tex., December 13, 1928, and transported from the State of Texas into the State of Minnesota, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Cottonseed Cake or Meal, Manufactured by Dallas Oil & Refining Co., Dallas, Texas. * * * Analysis Protein Basis 43 per cent."

It was alleged in the libel that the article was misbranded in that the statement "Protein Basis 43 per cent," borne on the label, was false and misleading and deceived and misled the purchaser.

On April 9, 1929, the Dallas Oil & Refining Co., Dallas, Tex., having appeared as claimant for the property and having consented to the entry of a decree of

condemnation and forfeiture, judgment was entered ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled, under the supervision of this department, with its correct protein content.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16821. Adulteration of cull poultry. U. S. v. 1 Barrel of Cull Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24083. I. S. No. 021276. S. No. 2326.)

On September 25, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 barrel of cull poultry, remaining in the original unbroken packages at Orange, N. J., alleging that the article had been shipped by the Peterson-Biddick Co., Wadena, Minn., on or about September 12, 1929, and transported from the State of Minnesota into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On October 31, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16822. Adulteration of frozen poultry. U. S. v. 1 Barrel of Frozen Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23988. I. S. No. 021141. S. No. 2260.)

On or about September 9, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 barrel of frozen poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Latham & Sons Packing Co., from Fredonia, Kans., on or about August 20, 1929, and transported from the State of Kansas into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On October 3, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16823. Adulteration and misbranding of butter. U. S. v. 60 Cases, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24133. I. S. Nos. 05268, 05271. S. Nos. 2286, 2287.)

On August 16, 1929, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 120 cases of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Belmont Creamery Co., from Belmont, Wis., in part on July 26, 1929, and in part on July 29, 1929, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libels that the article was adulterated in that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 20, 1929, the Belmont Creamery Co., Belmont, Wis., claimant, having admitted the allegations of the libels and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16824. Adulteration of butter. U. S. v. 93 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24051. I. S. No. 08610. S. No. 2113.)

On or about July 22, 1929, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 93 tubs of butter, remaining in the original unbroken packages at Providence, R. I., consigned about July 5, 1929, alleging that the article had been shipped by the North American Creameries (Inc.), Paynesville, Minn., and transported from the State of Minnesota into the State of Rhode Island, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the said article purported to be, the act of Congress approved March 4, 1923, providing that butter contain not less than 80 per cent by weight of milk fat.

On July 25, 1929, the North American Creameries (Inc.), Paynesville, Minn., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16825. Adulteration of Craig Healing Springs water. U. S. v. 19 Cases of Craig Healing Springs Water. Default order of destruction entered. (F. & D. No. 23898. I. S. No. 05474. S. No. 2100.)

On or about July 20, 1929, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 19 cases of Craig Healing Springs water at Huntington, W. Va., alleging that the article had been shipped by Craig Healing Springs Hotel (Inc.), from Craig Healing Springs, Va., on or about June 27, 1929, and transported from the State of Virginia into the State of West Virginia, and charging adulteration in violation of the food and drugs act.

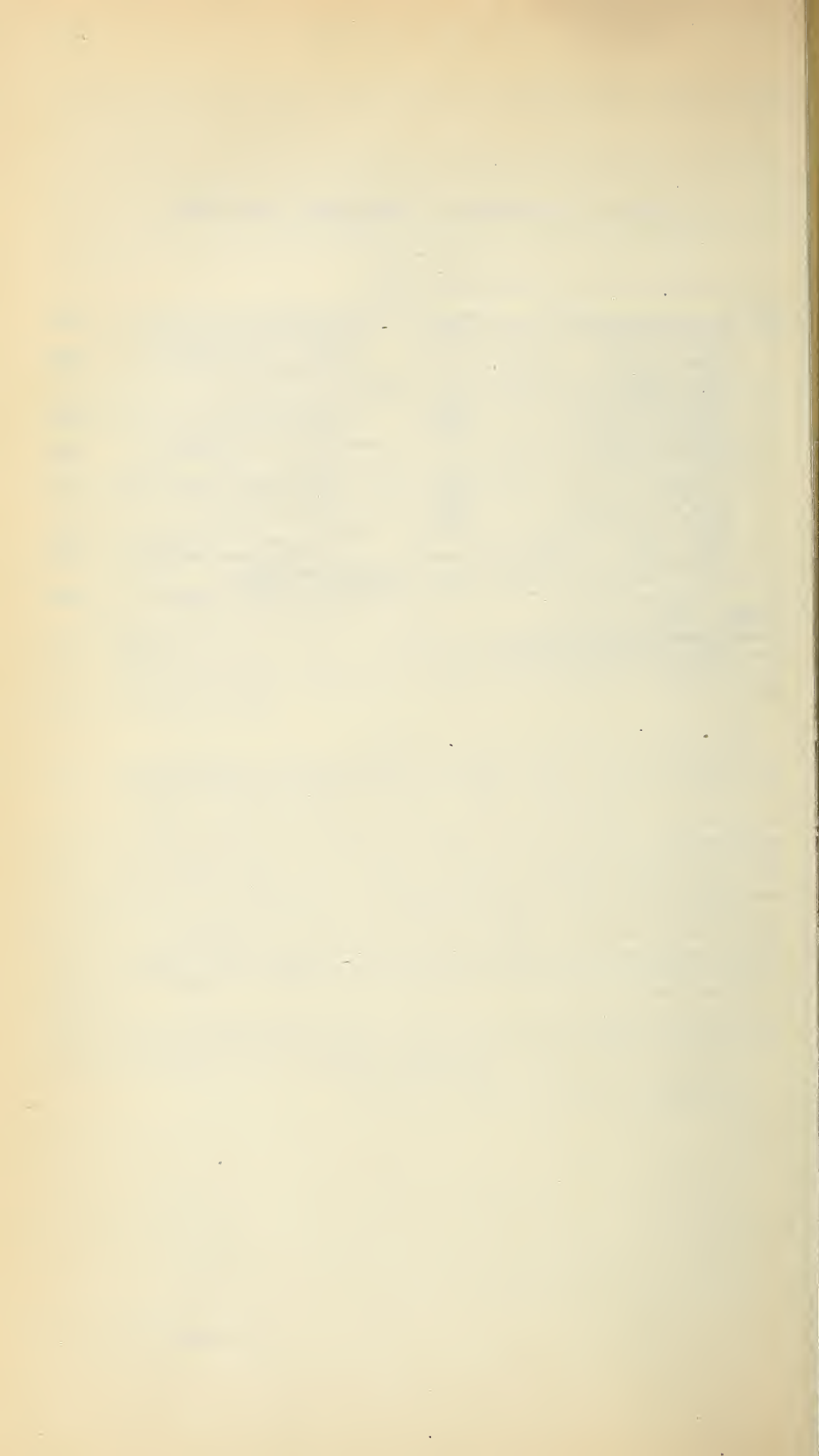
It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal and vegetable substance.

On October 7, 1929, no appearance having been entered, a decree was entered ordering that the product be poured out by the United States marshal, and the bottles returned to J. C. Hennan, Huntington, W. Va.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16826-16850

[Approved by the Secretary of Agriculture, Washington, D. C., July 16, 1930]

16826. Adulteration and misbranding of cottonseed meal. U. S. v. Eastern Cotton Oil Co. Plea of guilty. Fine, \$100. (F. & D. No. 22581. I. S. Nos. 20092-x, 20270-x.)

On September 24, 1928, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Eastern Cotton Oil Co., a corporation, Hertford, N. C., alleging shipment by said company, in violation of the food and drugs act, on or about November 3, 1927, from the State of North Carolina into the State of Pennsylvania, of quantities of cottonseed meal, which was adulterated and misbranded. The article was labeled in part: "Dutch Maid Cotton Seed Meal * * * Manufactured By Eastern Cotton Oil Company. * * * Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%."

It was alleged in the information that the article was adulterated in that cottonseed meal containing less than 41 per cent of protein, the equivalent of 8 per cent of ammonia, had been substituted for the said article.

Misbranding was alleged for the reason that the statements, to wit, "Protein not less than 41.00% Equivalent to Ammonia 8.00%," borne on the label, were false and misleading in that the said statements represented that the article contained not less than 41 per cent of protein, the equivalent of 8 per cent of ammonia, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article contained not less than 41 per cent of protein, the equivalent of 8 per cent of ammonia, whereas it contained less than 41 per cent of protein.

On September 23, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16827. Adulteration and misbranding of chocolate-coated caramels and chocolate jelly bars. U. S. v. 24 Boxes of Chocolate-Coated Caramels, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23793, 23821. I. S. Nos. 03073, 03074, 03667, 03668. S. Nos. 2015, 2028.)

On or about June 7, 1929, and June 20, 1929, respectively, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 55 boxes of chocolate-coated caramels, and 43 boxes of chocolate jelly bars, in part at Jersey City, N. J., and in part at West New York, N. J., alleging that the articles had been shipped by the Sphinx Chocolate Corporation, Brooklyn, N. Y., in various consignments between the dates of April 6, 1929, and May 24, 1929, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Sphinx Chocolates," "Sphinx Chocolate Caramels," "Sphinx Jelly Bar," "Sphinx Chocolate Jelly Bars," and "Manufactured by Sphinx Chocolate Corporation, Brooklyn, N. Y."

It was alleged in the libels that the articles were adulterated in that a substance, foreign fat, had been substituted wholly or in part for the articles, and had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality or strength.

Misbranding was alleged for the reason that the statements, "Chocolates" and "Chocolate," borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were offered for sale under the distinctive names of other articles.

On July 15, 1929, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16828. Adulteration of butter. U. S. v. 31 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24043. I. S. Nos. 011505, 011506. S. No. 2251.)

On August 26, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 31 tubs of butter, remaining in the original unbroken packages at Springfield, Mass., consigned about August 12, 1929, alleging that the article had been shipped by the Ludington Farmers Creamery Association, Augusta, Wis., and transported from the State of Wisconsin into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter, which the article purported to be, the act of Congress approved March 4, 1923, providing that butter contain not less than 80 per cent of milk fat.

On October 17, 1929, the Russell Corners Creamery Co., Augusta, Wis., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it be reworked under the supervision of this department so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16829. Adulteration and misbranding of grape juice. U. S. v. 300 Cases, et al., of Grape Juice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 23914, 23915. I. S. Nos. 05979, 05980, 06026. S. Nos. 2110, 2130.)

On August 5, 1929, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 390 cases containing pint-size bottles, 35 cases containing 4-ounce-size bottles, and 63 cases containing quart-size bottles of grape juice, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Island Belle Grape Juice Co., Grapeview, Wash., in various consignments, on or about April 25, July 13, and July 16, 1929, respectively, and transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Island Belle Grape Juice * * * Island Belle Grape Juice Co., Inc., Grapeview, Wash."

It was alleged in the libel that the article was adulterated in that water had been mixed and packed with and substituted in part for grape juice which the said article purported to be.

Misbranding was alleged for the reason that the designations "Grape Juice," borne on the labels, were false and misleading and deceived and misled the purchaser when applied to a grape juice containing added water, and for the further reason that the article was offered for sale under the distinctive name of another article. It was also alleged in the libel that the quart-size bottles of the article were further misbranded in that the label bore the following statements regarding the curative and therapeutic effects of the said article "Grape Juice is a particularly wonderful solvent. It thins and stimulates the blood, opening the way into capillaries already dried and choked up—if

the process has not gone too far. By a course of unfermented grape juice treatment, people with sunken eyes, wrinkled skins, and poor complexions, become plump, ruddy and lively. The increased permeability enables the spirit to manifest more freely and with renewed energy," which were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On August 21, 1929, the Island Belle Grape Juice Co. (Inc.), Grapeview, Wash., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be made to conform to the law under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture*,

16830. Misbranding of tomato catsup and chili sauce. U. S. v. Greenabaum Bros. (Inc.). Plea of guilty. Fine, \$200. (F. & D. No. 23721. I. S. Nos. 16322-x, 16323-x, 16324-x, 16357-x, 20080-x, 20083-x, 20084-x, 20085-x, 20087-x, 20255-x, 20256-x, 20258-x, 20259-x, 20425-x, 20686-x, 21100-x, 21221-x, 21223-x, 21483-x, 21505-x, 21506-x.)

On September 13, 1929, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Greenabaum Bros. (Inc.), a corporation, Seaford, Del., alleging shipment by said company, in violation of the food and drugs act, in various consignments, between the approximate dates of September 3, 1927, and December 30, 1927, from the State of Delaware into the States of New Jersey, Pennsylvania, Maryland, and New York, respectively, of quantities of tomato catsup and chili sauce which were misbranded. The labels of the said articles bore the statements, "Contains no Artificial Color," "We Guarantee * * * No * * * Artificial Coloring," or "Natural Color," as the case might be. The chili sauce and a portion of the tomato catsup were further labeled: "Guaranteed Pure and to Comply with all U. S. Food Laws."

It was alleged in the information that the articles were misbranded in that the statements, "Contains no Artificial Color," "We Guarantee * * * No * * * Artificial Coloring," or "Natural Color," as the case might be, borne on the labels, and the statements, "Guaranteed Pure and to Comply with all U. S. Food Laws," borne on the labels of the chili sauce and a portion of the tomato catsup, were false and misleading in that the said statements represented that the articles contained no artificial color or coloring, and that the chili sauce and a portion of the tomato catsup complied with the food and drugs act of June 30, 1906, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained no artificial color or coloring, and that the chili sauce and a portion of the tomato catsup complied with the food and drugs act of June 30, 1906, whereas the articles did contain artificial color or coloring, and the chili sauce and the said portion of the tomato catsup did not comply with the said food and drugs act.

On September 25, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture*.

16831. Adulteration and misbranding of butter. U. S. v. 8 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24143. I. S. No. 022329. S. No. 2283.)

On September 6, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Lakota Creamery Co., Lakota, N. Dak., alleging that the article had been shipped from Lakota, N. Dak., on or about August 29, 1929, and transported from the State of North Dakota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 11, 1929, Wm. M. Lippincott Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16832. Adulteration and misbranding of olive oil. U. S. v. 58 Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23981. I. S. No. 018391. S. No. 2246.)

On September 5, 1929, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 58 cans of olive oil, remaining in the original cans at Denver, Colo., consigned by S. Savona, New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about July 27, 1929, and transported from the State of New York into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Superfine Olive Oil Imported Italia Brand Lucca Italia Net Contents One Gallon."

It was alleged in the libel that the article was adulterated in that a substance, cottonseed oil, had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statements, "Superfine Olive Oil Imported Italia Brand Lucca Italia Net Contents One Gallon," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was incorrect.

On October 11, 1929, Maria Florey, Denver, Colo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be relabeled, under the supervision of this department, to show the correct contents of said cans and the quantity.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16833. Adulteration of butter. U. S. v. 163 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24029. I. S. No. 011859. S. No. 2194.)

On August 1, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 163 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Western Creameries (Inc.), from Coffeyville, Kans., July 15, 1929, and transported from the State of Kansas into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the article, in that a valuable constituent, butterfat, had been in part abstracted from the said article, and in that it contained less than 80 per cent of butterfat.

On September 24, 1929, the Western Creamery Co., Coffeyville, Kans., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said

claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked, under the supervision of this department, in such manner as to comply with the requirements of the Federal foods and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16834. Adulteration and misbranding of butter. U. S. v. 21 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23941. I. S. No. 011468. S. No. 2173.)

On July 29, 1929, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 21 tubs of butter, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Rib Lake Cooperative Creamery Co., from Rib Lake, Wis., July 20, 1929, and transported from the State of Wisconsin into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 23, 1929, the Land O'Lakes Creameries (Inc.) having appeared as claimant for the property and having consented to the condemnation and forfeiture of the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16835. Adulteration and misbranding of butter. U. S. v. 22 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24148. I. S. No. 021245. S. No. 2301.)

On September 10, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 22 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Ideal Creamery Co., Aitkin, Minn., on or about August 27, 1929, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 13, 1929, the Ideal Creamery Co., Aitkin, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$700, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16836. Adulteration and alleged misbranding of butter. U. S. v. 10 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24056. I. S. No. 09144. S. No. 2189.)

On or about August 3, 1929, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 tubs of butter at Detroit, Mich., alleging that the article had been shipped by the Great Atlantic & Pacific Tea Co., from Chicago, Ill., July 23, 1929, and transported from the State of Illinois into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 3, 1929, the Great Atlantic & Pacific Tea Co. of America, Detroit, Mich., having entered an appearance in the case and having paid the costs of the proceedings, a decree was entered finding the product adulterated and adjudging that it should be condemned and forfeited. It was further ordered by the court that the product be delivered to the Detroit Creamery Co., upon the execution of a bond in the sum of \$400, conditioned that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16837. Adulteration of dressed poultry. U. S. v. 2 Barrels of Dressed Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23979. I. S. No. 021137. S. No. 2219.)

On September 3, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 barrels of dressed poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by R. S. Buchanan Co. (Inc.), from Perry, Mo., on or about August 17, 1929, and transported from the State of Missouri into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On October 8, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16838. Adulteration and misbranding of butter. U. S. v. 31 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24141. I. S. No. 021249. S. No. 2302.)

On September 10, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 31 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Ogema Creamery Co., Ogema, Minn., on or about August 26, 1929, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 13, 1929, Herman G. Freiler, Ogema, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of \$100 cash collateral, or the execution of a bond in like amount, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16839. Adulteration and misbranding of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24140. I. S. No. 021752. S. No. 2363.)

On September 24, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and

condemnation of 11 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Arrow Creamery Co., Hebron, N. Dak., in part on or before September 10, 1929, and in part on or before September 14, 1929, and transported from the State of North Dakota into the State of New York, having been received on or about September 20, 1929, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 27, 1929, the Arrow Creamery Co., Hebron, N. Dak., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$350, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16840. Adulteration and misbranding of butter. U. S. v. 36 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24142. I. S. No. 024376. S. No. 2355.)

On September 25, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 36 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the American Stores Co., Duluth, Minn., alleging that the article had been shipped from Duluth, Minn., on or about September 16, 1929, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On October 1, 1929, Wm. M. Lippincott & Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,440, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16841. Adulteration of canned stringless beans. U. S. v. 696 Cases of Canned Stringless Beans. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24084. I. S. No. 021202. S. No. 2330.)

On September 27, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 696 cases of canned stringless beans, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the C. H. Musselman Co., from Biglerville, Pa., on or about August 13, 1929, and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On October 30, 1929, the C. H. Musselman Co., Biglerville, Pa., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon

payment of costs and the execution of a bond in the sum of \$1,750, conditioned in part that the article be sorted to separate the swelled cans from those showing no swelling and that samples, not exceeding 5 cases of each kind, be delivered to both the claimant and the American Can Co., for research purposes, that all swelled cans be destroyed, that the remaining cans be examined separately and all showing spoilage destroyed, and that the good portion be released after examination by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16842. Adulteration and misbranding of dairy feed. U. S. v. Greendale Mills (Inc.). Plea of guilty. Fine, \$100. (F. & D. No. 23750. I. S. Nos. 013026, 013027.)

On August 28, 1929, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Greendale Mills (Inc.), a corporation, Lawrenceburg, Ind., alleging shipment by said company, in violation of the food and drugs act, in two consignments, on or about June 12, 1928, and June 25, 1928, respectively, from the State of Indiana into the State of Kentucky, of quantities of dairy feed which was adulterated and misbranded. The article was labeled in part: "Greendale 16% Dairy Feed Sweet Made by Greendale Mills Incorporated Lawrenceburg, Ind. Guaranteed Analysis Protein 16.00 Per Cent, Fat 4.00 Per Cent, Fiber 12.00 Per Cent. Made From: Cottonseed Meal, Linseed Oil Meal, Wheat Bran, Ground Corn, Brewers' Dried Grains, Malt Sprouts, Alfalfa Meal, Corn Gluten Feed, Ground Oats, Ground Barley, Oat Middlings, Oat Shorts and Oat Hulls 15%, Cane Molasses, Salt 1%, Calcium Carbonate 1%."

It was alleged in the information that the article was adulterated in that a product which contained flax by-product and screenings and which contained excessive fiber, and was deficient in protein and fat and which contained no brewers' dry grains, malt sprouts, corn gluten feed, ground oats, or ground barley, in the case of a portion thereof; and which contained flax by-product, and excessive fiber, and which was deficient in fat and which contained no corn gluten feed, ground oats, or ground barley, in the case of the remainder, had been substituted for a product made wholly from the ingredients declared on the label, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Guaranteed Analysis * * * Fat 4.00 Per Cent, Fiber 12.00 Per Cent," and "Made From Cottonseed Meal, Linseed Oil Meal, Wheat Bran, Ground Corn, Brewers' Dried Grains, Malt Sprouts, Alfalfa Meal, Corn Gluten Feed, Ground Oats, Ground Barley, Oat Middlings, Oat Shorts and Oat Hulls 15%, Cane Molasses, Salt 1%, Calcium Carbonate 1%," borne on the labels, and the statement "Protein 16.00 Per Cent," borne on the labels of a portion of the article, were false and misleading in that the said statements represented that the article contained not less than 4 per cent of fat and not more than 12 per cent of fiber, and that a portion thereof contained not less than 16 per cent of protein, and that the said article was made wholly from the ingredients declared on the label, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 4 per cent of fat, and not more than 12 per cent of fiber, and that said portion contained not less than 16 per cent of protein, and that the article was made wholly from the said declared ingredients, whereas it contained less than 4 per cent of fat, namely, 3.1 per cent and 2.9 per cent, respectively, and more than 12 per cent of fiber, namely, approximately 15.34 per cent and 17.16 per cent, respectively, and a portion of the said article contained less than 16 per cent of protein, namely, approximately, 15.07 per cent of protein; and the said article was not made wholly from the declared ingredients in that a portion thereof contained no brewers' dried grains, malt sprouts, corn gluten feed, ground oats, or ground barley and did contain flax by-product and screenings, and the remainder thereof contained no corn gluten feed, ground oats, or ground barley, and did contain flax by-product.

On October 26, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16843. Adulteration of figs. U. S. v. 700 Boxes of Figs. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 23211. I. S. No. 03571. S. No. 1316.)

On December 1, 1928, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 700 boxes of figs, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by G. Crisafulli, from San Francisco, Calif., on or about October 29, 1928, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fichi Mushioni Stefano Crisafulli, New York, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 23, 1929, by consent of the claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16844. Adulteration and misbranding of butter. U. S. v. 118 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24145. I. S. No. 021234. S. No. 2305.)

On September 4, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 118 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Park Rapids Cooperative Creamery Association, from Park Rapids, Minn., on or before August 20, 1929, and transported from the State of Minnesota into the State of New York, arriving on or about August 28, 1929, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 17, 1929, the Great Atlantic & Pacific Tea Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$3,750, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16845. Adulteration and misbranding of butter. U. S. v. 70 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24150. I. S. No. 021236. S. No. 2317.)

On September 4, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 70 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Almena Creamery Co., from Almena, Wis., on or before August 20, 1929, and transported from the State of Wisconsin into the State of New York, arriving about August 28, 1929, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 17, 1929, Hunter, Walton & Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was

ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16846. Adulteration and misbranding of butter. U. S. v. 20 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24144. I. S. No. 022328. S. No. 2284.)

On September 6, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Meadowlands Creamery Co., Meadowlands, Minn., alleging that the article had been shipped from Meadowlands, Minn., on or about August 29, 1929, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 16, 1929, C. M. Drake & Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16847. Adulteration and misbranding of butter. U. S. v. 6 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24137. I. S. No. 021231. S. No. 2263.)

On August 29, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Backus Creamery Co., from Backus, Minn., on or about August 19, 1929, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 5, 1929, the Backus Creamery Co., Backus, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16848. Adulteration and misbranding of butter. U. S. v. 190 Cartons, et al., of Butter. Product ordered released under bond to be reworked. (F. & D. Nos. 24025, 24030. I. S. Nos. 011856, 011861. S. Nos. 2190, 2234.)

On or about August 6, 1929, and August 9, 1929, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of one hundred and ninety 32-pound cartons and 380 cases of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped

in part by the North American Creameries (Inc.), on July 12, 1929, and in part by the North American Creamery Co., on July 19, 1929, from one State into another, namely, from Paynesville, Minn. to Chicago, Ill., and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel filed with respect to a portion of the article that it was adulterated in that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and in that a substance deficient in butterfat had been mixed and packed with the said article so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part therefor. It was further alleged in the libel that the remainder of the article was adulterated in that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent, butterfat, had been in part abstracted from the article, and in that it contained less than 80 per cent of butterfat.

Misbranding was alleged with respect to the first portion for the reason that it was offered for sale under the distinctive name of another article.

On September 4, 1929, the North American Creameries (Inc.) having appeared as claimant for the property, a decree was entered ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked under the supervision of this department so as to cause it to comply with the provisions of the Federal food and drugs act, and that the claimant pay costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16849. Misbranding of peanut meal and peanut feed. U. S. v. 180 Sacks of Peanut Feed, et al. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 23798, 23880. I. S. Nos. 08010, 08020. S. No. 2013.)

On June 7, 1929, and July 16, 1929, respectively, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 180 sacks of peanut feed and 100 sacks of peanut meal, remaining in the original unbroken packages at Flemington, N. J., alleging that the articles had been shipped by Herbert Neustadt, Blue Point, N. Y., the said peanut meal on or about September 28, 1928, and the said peanut feed on or about January 11, 1929, and had been transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The peanut feed was labeled in part: "Old Process Peanut-Feed, Guaranteed Analysis Crude Protein not less than 20 Per Cent. Crude Fat not less than 12 Per Cent. Crude Fibre not more than 13 Per Cent. Manufactured by the Blue Point Oil Corporation, Blue Point, L. I., N. Y." The peanut meal was unlabeled.

Misbranding was alleged in the libel with respect to the said peanut feed for the reason that the statements, "Guaranteed Analysis Crude Protein not less than 20 Per Cent, Crude Fat not less than 12 Per Cent, Crude Fibre not more than 13 Per Cent," were false and misleading and deceived and misled the purchaser when applied to an article deficient in protein and fat and which contained excessive crude fiber. Misbranding was alleged with respect to the peanut meal for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and for the further reason that it was offered for sale under the distinctive name of another article.

On October 9, 1929, Herbert Neustadt, Blue Point, N. Y., claimant, having admitted the allegations of the libels and having consented that decrees be entered condemning and forfeiting the products, judgments were entered ordering that the said products be released to the claimant upon payment of costs and the execution of bonds totaling \$800, conditioned in part that they be relabeled, "Peanut Refuse from Peanut Butter Manufacture," together with the net weight and statements of the crude protein, crude fat, and crude fiber content.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16850. Adulteration and misbranding of Wood's Special Quality sweetener. U. S. v. 2 Tins of Wood's Special Quality Sweetener. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14878. I. S. No. 6430-t. S. No. E-3320.)

On April 18, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 tins of Wood's Special Quality sweetener at Sayreville, N. J., alleging that the article had been shipped by the W. B. Wood Manufacturing Co., St. Louis, Mo., on or about March 29, 1921, and transported from the State of Missouri into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Wood's Special Quality Sweetener * * * W. B. Wood Mfg. Co. * * * St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that substances, to wit, sucrose and saccharin, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength; in that substances, to wit, sucrose and saccharin, had been substituted wholly or in part for food sweetener, to wit, sugar, which the article purported to be; and in that it contained an added poisonous or deleterious ingredient, to wit, saccharin, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the labels bore the statement, to wit, "Wood's Special Quality Sweetener," which was false and misleading in that the statement led the purchaser to believe that the article was a concentrated sugar or sweetener of special quality and strength, whereas it was not sugar and was not a sweetener of special quality and strength, but was a product composed of a mixture of saccharin and sucrose. Misbranding was alleged for the further reason that the article was a product composed of sucrose and saccharin prepared in imitation of sugar in crystal form and was offered for sale in said form; for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a concentrated sugar of special quality, whereas it was not; for the further reason that the labels thereof misled the purchaser into the belief that the article was a specially prepared sugar for sweetening foods, whereas it was not a specially prepared sugar, but was composed of saccharin and sucrose.

On July 22, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16851-16875

[Approved by the Secretary of Agriculture, Washington, D. C., July 16, 1930]

16851. Misbranding and alleged adulteration of Nip-a-Co capsules. U. S. v. 15 $\frac{3}{4}$ Dozen Packages of Nip-a-Co. Default decree of confiscation and destruction. (F. & D. No. 23510. I. S. No. 03488. S. No. 1617.)

On March 15, 1929, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 $\frac{3}{4}$ dozen packages of Nip-a-Co capsules, remaining unsold in the original packages at Wheeling, W. Va., alleging that the article had been shipped by Frederick Stearns & Co., from Detroit, Mich., on or about September 15, 1928, and transported from the State of Michigan into the State of West Virginia, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of acetanilid, cinchonine sulphate, magnesium carbonate, capsicum, extracts of plant drugs including podophyllum and jalap, traces of salicylic acid, and alkaloids of aconite.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, viz, the container of the said article bore the statement "Each Capsule contains * * * and cod liver oil extract."

Misbranding was alleged for the reason that the statement on the container, "Each Capsule contains * * * with cod liver oil extract," was false and misleading in that the article contained no extract of cod-liver oil. Misbranding was alleged for the further reason that the said container bore the statements, "For the relief of * * * Neuralgia, La grippe," which statements were false and fraudulent, since the article contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 22, 1929, no claimant having appeared for the property, judgment was entered finding the product misbranded and subject to confiscation, and it was ordered by the court that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16852. Misbranding of Cow Tone. U. S. v. 71 Small Cans, et al., of Cow Tone. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23674. I. S. Nos. 09210, 09211. S. No. 1913.)

On May 1, 1929, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 71 small cans and 17 large cans of Cow Tone, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by Our Husbands Manufacturing Co., Lyndon, Vt., on or about February 18, 1929, and transported from the State of Vermont into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride (49 per cent), magnesium sulphate (45 per cent), sodium thiosulphate (5 per cent), potassium nitrate (1 per cent), and small amounts of nux vomica and fenugreek.

It was alleged in the libel that the article was misbranded in that the following statements were false and misleading: (Labeling of small cans) "Milk Producer * * * The Great Milk Producer * * * Help your cows to increase the flow of milk by feeding them O-H Cow Tone, a wonderful milk producer, * * * A tablespoonful twice a day mixed in grain will appreciably increase the flow of milk;" (labeling of large cans) "Cow Tone the Milk Producer * * * The Great Milk Producer * * * Help your cows to increase their flow of milk, by feeding them Cow Tone, the wonderful milk producer, * * * The undersigned guarantees that Cow Tone is not adulterated or misbranded within the meaning of the Federal Food and Drugs Act. * * * A tablespoonful twice a day mixed in grain will appreciably increase the flow of milk." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (labeling of small cans) "Will Keep Your Cows Healthy and Rugged * * * build up the cow and keep her in prime condition. Continue until you are satisfied that the health of your herd is established and their maximum milk production is being maintained. Individual cases require longer continued treatment. In cases of contagious abortion separate the cows, * * * continue the treatment as above * * * until all signs have disappeared. * * * methods of treatment of cattle. * * * Through its use abortion and retained afterbirth are prevented, barrenness avoided. * * * other cow disorders eliminated. * * * In the healthy, milk producing cow is your profit," (labeling of large cans) "Cow Tone * * * Tends To Keep Your Cows Healthy and Rugged * * * Builds up and makes your cows fit and puts them in prime condition whereby they are free from disease and their milk flow is remarkably increased. Be fair with them, feed them Cow Tone, keep them rugged and healthy and so ward off diseases to which all cows are liable. * * * In the healthy, milk producing cow is your profit. * * * build up the cow and keep her in prime condition. Continue until you are satisfied that the health of your herd is established and their maximum milk production is being maintained. Some cases require longer continued treatment. Give your cows Cow Tone, the regulator and appetizer * * * used by dairymen throughout the country in keeping their herds well and productive of profits. * * * methods of treatment of cattle," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 21, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16853. Misbranding of Mentho-Mustard. U. S. v. 34 Jars of Mentho-Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23461. I. S. No. 05555. S. No. 1665.)

On February 27, 1929, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 34 jars of Mentho-Mustard, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Mentho-Mustard Co., from Athens, Ga., on or about December 20, 1928, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the ointment consisted essentially of a base of the consistency of petrolatum, containing small amounts of volatile oils including mustard oil, camphor, menthol, and methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, (jar) "For the Treatment of * * * La Grippe, Sore Throat, Rheumatism, * * * Bronchitis, Whooping Cough, Croup, Asthma, or anywhere an external application is needed to banish pain. * * * Apply freely * * * Repeat the applications until relief is obtained. In case of pneumonia * * * begin applications to the chest," (carton) "For the Treatment of * * * La-

Grippe, Rheumatic Pains, Pneumonia, Asthma, Bronchitis, * * * Whooping Cough and Tonsillitis. * * * quick to bring relief * * * For Banning * * * Acute Bronchitis, Pneumonia, Whooping Cough * * * Asthma, Croup and Deep Seated Chest Colds," (circular) "In searching for a remedy or combination of remedies, that would produce the best results * * * to get results, you must first use mustard, * * * We * * * succeeded in making what is called a 'base' that would carry sufficient medication to give the results * * * We now have in Mentho-Mustard * * * preparation * * * that does not fail to do the work. * * * Apply to seat of pain or congestion, * * * (or Acute Bronchitis) * * * Croup * * * Pneumonia * * * use as in Chest Colds * * * he knows that a preparation containing mustard is always good * * * we have never heard of a single case that did not improve from the very first, with crisis in from three to seven days. We heartily recommend Mentho-Mustard in pneumonia. Sore Throat and Tonsillitis—Apply Mentho-Mustard freely on upper chest and throat, * * * repeat in one hour if pain is severe. * * * Whooping Cough—Mentho-Mustard will help to lessen the severe spells if rubbed on spinal column and chest and covered with hot cloth. * * * Asthma—This is a spasmodic affection which * * * often can be greatly lessened by rubbing spinal column and chest with Mentho-Mustard * * * we * * * recommend Mentho-Mustard * * * for * * * Congestion, Rheumatism, * * * Sore Joints, * * * Lumbago, Sciatica (use every 15 minutes until relieved), Earache * * * a sure remedy for simple earache * * * 'Earroll' * * * made from Mentho-Mustard, while in liquid state * * * clip off a small piece and put in ear * * * relief in three minutes, usually," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On October 3, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16854. Misbranding of Flumonia salve. U. S. v. 16½ Dozen Jars of Flumonia Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23983. I. S. No. 0975. S. No. 2238.)

On or about September 9, 1929, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 16½ dozen jars of Flumonia salve, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Van Vleet Ellis Corporation, Memphis, Tenn., on or about December 19, 1928, and transported from the State of Tennessee into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a petroleum jelly containing small amounts of camphor, menthol, and oil of eucalyptus.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article. (display carton, retail carton, and jar label) "Flumonia * * * First Aid for Chest Congestions and Inflammation," (jar label only) "Pneumonia. Apply hot cloth to throat, chest and upper part of back for at least 5 minutes, then apply this fuming salve and rub in well and cover with hot white flannel; place the covering so that the fumes arising can be inhaled freely, and repeat the application every 2 hours unless the patient is sleeping comfortably. Spasmodic Croup. Rub Flumonia over the throat and chest and induce the child to inhale the fumes which will arise after the salve is loosely covered with a piece of hot flannel. A little of the salve may be heated in a spoon and the fumes inhaled. Continue this treatment until the air passages are opened and breathing is relieved. Whooping Cough and Asthma. Use same treatment as above * * * Coughs And Sore Throat. Place a piece of the salve about the size of a pea on the tongue and allow to be slowly swallowed and apply externally to the throat, rubbing in well. * * * A splendid application for * * * external inflammation," (carton) "Flumonia * * * Used for Catarrh * * * Sore Throat, Coughs, Spasmodic Croup, Influenza * * * The Best Results Are Obtained by Rubbing Freely over the

Chest;" (circular in some of the packages) "First Aid in the treatment of Coughs and * * * Inflammations * * * Sore Throat, Neuralgia * * * Internally and Externally * * * It is valuable in the treatment of the various ailments of the lungs, respiratory organs and air passages. * * * Flumonia Fuming Salve. Upon application, the heat of the body releases the fumes, which are inhaled and thereby carried directly to the air passages and respiratory organs. * * * It acts by absorption through the skin, the effect of which is to promote circulation and stimulate the body to its normal functions. * * * Ordinary Coughs * * * Swallow one-fourth teaspoonful of Flumonia three or four times a day. Rub Flumonia well over the throat especially before retiring. * * * Catarrh, Sore Throat, Tonsillitis, Hoarseness * * * inhale the fumes of Flumonia melted in a spoon. At night massage the throat and chest with Flumonia, rubbing in well, and apply a thick layer of Flumonia, covering with warm flannel. * * * Bronchitis, Grippe, Pneumonia, Flu. Rub Flumonia over the spinal column from hips to shoulders to relieve the nerves. Then inhale the fumes of Flumonia which has been melted in a spoon. Rub Flumonia over the chest and throat and cover with warm flannel. Continue until relieved. * * * Asthma, Whooping Cough, Spasmodic Croup. First give a good purgative, for best results Van Vleet's Aromatic Castor Oil is recommended, followed by a hot mustard foot bath (one tablespoonful of dry mustard in a gallon of hot water). Open the pores of the skin by applying hot towels until the skin is red. As soon as one towel has been removed immediately apply another. This may also be accomplished by the application of hot mustard plasters or a plaster made of equal parts of mustard and Flumonia. As soon as the pores are well opened, massage with Flumonia for several minutes, and spread a thick layer of Flumonia. Cover with a doubled flannel cloth. Leave the covers loose about the head of the patient, that the fumes may circulate freely and reach the respiratory organs. Repeat this treatment as soon as the redness disappears from the skin. For Bronchitis * * * only the throat and chest need to be treated, but in pneumonia and flu, rub Flumonia on the back from the shoulder blade to the hips. Sinus Suffering, Flumonia is wonderfully soothing and alleviating for sinus pains. It is, of course, simply a first aid for troubles of this character until surgical relief can be obtained. * * * Muscular Rheumatism * * * When the inflammation has been reduced, spread Flumonia liberally and cover with hot cloths. * * * Neuralgia * * * conditions have been relieved by rubbing Flumonia over the face and temples, and inhaling the fumes from Flumonia melted in a spoon," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On October 8, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16855. Misbranding of Ferrasal. U. S. v. 6 Dozen Packages of Ferrasal. Default decree of destruction entered. (F. & D. No. 23782. I. S. No. 09545. S. No. 1978.)

On June 5, 1929, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 dozen packages of Ferrasal, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Crown Remedy Co., from Dallas, Tex., on or about March 13, 1929, and transported from the State of Texas into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it was a mixture of sodium bicarbonate (48 per cent), magnesium carbonate (25 per cent), small amounts of calcium and iron carbonates, salicylic acid, a tartrate, and starch, flavored with oil of peppermint.

The article was labeled in part: "For Acute Indigestion, Headaches, * * * Dysentery and Bowel Complaints in adults or children. Ferrasal gives quick relief * * * For Chronic Indigestion, Constipation, Kidney and Bladder Trouble, * * * Dizziness, Bumpy Face and Dull Headache resulting from acid poisons. Ferrasal will give relief if taken according to directions. Ferrasal * * * strikes at the source of the numerous health troubles caused by an over-accumulation of acid poisons, in the system and blood. * * * The Sign of Good Health * * * Stops Indigestion Now! For

Stomach, Liver and Kidneys. * * * For Acute Indigestion take * * * Repeat hourly until relieved. For Severe or Chronic Indigestion * * * Also take * * * after any meal that fails to assimilate properly. * * * In cases of Dysentery, Bowel Complaint and Ptomaine Poisoning call your Physician and take * * * immediately. * * * Then take * * * until the condition is corrected. For Chronic Acid Conditions * * * Colon Trouble, Blood Disorders, Rheumatism, Kidney and Bladder Troubles, etc. * * * Take regularly until your condition has become normal. In severe cases * * * Ferrasal is absolutely harmless. * * * If baby * * * spits up food * * * Ferrasal."

It was alleged in the libel that the article was misbranded in that the above-quoted statements borne on the labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On or about November 19, 1929, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16856. Misbranding of compound white pine cough syrup with tar, and aspirin tablets. U. S. v. 18 Dozen Bottles, et al., of Compound White Pine Cough Syrup with Tar, and 130 Dozen Tins, et al., of Aspirin Tablets. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 24126, 24163, 24164. I. S. Nos. 06397, 06400, 018778. S. Nos. 2368, 2386, 2387.)

On October 7 and October 14, 1929, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 18 dozen 8-ounce size and 120 dozen 3-ounce size of compound white pine cough syrup with tar, and 850 dozen tins of aspirin tablets, remaining in the original unbroken packages at San Francisco, Calif., consigned by McKesson & Robbins (Inc.), Bridgeport, Conn., alleging that the articles had been shipped from Bridgeport, Conn., in various consignments, between the approximate dates of May 17, 1929, and August 31, 1929, and transported from the State of Connecticut into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the aspirin tablets contained approximately 5 grains of acetylsalicylic acid per tablet, and the compound white pine cough syrup with tar consisted essentially of extracts of plant drugs, sugar, small amounts of tar, chloroform, and volatile oils, alcohol, and water.

It was alleged in the libels that the articles were misbranded in that the following statements regarding the curative or therapeutic effects of the said articles, borne on the respective labels, (cough syrup, bottle label) "A valuable preparation for the relief of Coughs * * * Hoarseness, etc.," (cough syrup, carton label) "A valuable remedy for Acute and Chronic Affections of the Throat and Lungs, Coughs * * * Hoarseness and Whooping Cough," (aspirin tablets, label on tin) "For Rheumatism * * * Gout, Influenza, Grippe," (aspirin tablets, circular) "Rheumatism, Lumbago, Sore Joints, * * * Pain from Sciatica," were false and fraudulent, since the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On November 13, 1929, the McKesson-Langley-Michaels Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of bonds totaling \$800, conditioned in part that they be made to conform with the Federal food and drugs act under the direction of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16857. Adulteration and alleged misbranding of ether. U. S. v. Forty-five 1-Pound Cans of Ether. Default decree of destruction. (F. & D. No. 24080. I. S. No. 07163. S. No. 2322.)

On September 23, 1929, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure

and condemnation of forty-five 1-pound cans of ether, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the J. T. Baker Chemical Co., Phillipsburg, N. J., alleging that the article had been shipped from Phillipsburg, N. J., on or about June 14, 1929, and transported from the State of New Jersey into the State of California, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that the ether contained peroxide.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of purity as determined by the test laid down in said pharmacopoeia official at the time of investigation, in that it contained peroxide.

Misbranding was alleged for the reason that the statement "Ether Purified for Anesthesia U. S. P. X.," borne on the label, was false and misleading.

On October 29, 1929, no claimant having appeared for the property, a decree was entered adjudging the product adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16858. Adulteration of ether. U. S. v. Twenty 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24067. I. S. No. 0300. S. No. 2291.)

On September 16, 1929, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of twenty 1-pound cans of ether, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Mallinckrodt Chemical Works, from St. Louis, Mo., December 19, 1928, and transported from the State of Missouri into the State of Washington, and charging adulteration in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that the ether contained peroxide.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of purity as specified by that authority.

On October 8, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16859. Misbranding of Dr. Williams' No. 101 tonic. U. S. v. 78 Bottles of Dr. Williams' No. 101 Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23557. I. S. No. 02389. S. No. 1736.)

On April 2, 1929, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 78 bottles of Dr. Williams' No. 101 tonic, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Interstate Drug Co., from Quitman, Ga., on or about January 24, 1929, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium sulphate, quinine sulphate (4.9 grains per fluid ounce), ferric chloride, and glycerin.

It was alleged in the libel that the article was misbranded in that the statements on the circular, "No. 101 is * * * safe * * * No. 101 contains no * * * injurious drugs. You give it to children with perfect safety," were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (bottle) "For Malaria, Chills, Chills and Fever, * * * LaGrippe, Influenza," (carton) "For Chills and Fever, Bilious Fever, Continued Fever, Intermittent and Remittent Fever. * * * LaGrippe and Influenza * * * Gives Appetite Restores Vitality Renews Health * * * No. 101 * * * as a specific for Chills and Fever * * * Influenza * * * Influenza Epidemic * * * The combination of Iron, Quinine and Magnesia is effective in treating this malady * * * for * * * LaGrippe * * * Malaria * * * if you * * * get it, take * * * No. 101 Tonic. This

Tonic contains Quinine, Iron and Magnesia. * * * Quinine to Kill the Malarial Germ, the Iron to give strength to the patient and the Magnesia to act upon the liver * * * For Malaria, Chills & Fever * * * La Grippe," (circular) "In combating Malaria, Chills and Fever * * * and La Grippe. Our * * * remedy * * * '101 Tonic' * * * especially for those suffering from * * * LaGrippe * * * Malaria, Chills and Fever, Dengue, Intermittent, Remittent and Bilious Fevers * * * 'No. 101' is a sure * * * preventive for * * * consequently pneumonia, * * * Don't wait too long; that tired feeling means something. That Lost Appetite Doesn't just happen. There is a cause for it. Rid yourself of the poison that is the Cause and the effect will come naturally. When sneezing begins * * * remember you can rely upon No. 101 to help you fight off those poisons. * * * 'No. 101' * * * a wonderful body-building, strength-giving tonic. * * * For your Health's sake," were false and fraudulent in that the article contained no ingredients or combination of ingredients capable of producing the effects claimed.

On October 3, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16860. Adulteration of ether. U. S. v. 41 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24123. I. S. No. 016027. S. No. 2371.)

On October 8, 1929, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of forty-one 1-pound cans of ether, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Mallinckrodt Chemical Works, St. Louis, Mo., on or about January 4, 1929, and transported from the State of Missouri into the State of Wisconsin, and charging adulteration in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that the ether contained peroxide.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of purity specified by that authority.

On November 20, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16861. Misbranding of McK. & R. cold and grippe tablets. U. S. v. 864 Boxes, et al., of McK. & R. Cold & Grippe Tablets. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 24159, 24160. I. S. Nos. 06394, 06396. S. Nos. 2367, 2369.)

On October 10, 1929, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 130 dozen boxes of McK. & R. cold and grippe tablets, remaining in the original unbroken packages at San Francisco, Calif., consigned by McKesson & Robbins (Inc.), Bridgeport, Conn., alleging that the article had been shipped from Bridgeport, Conn., in various consignments, on or about September 12, 1928, and April 9, July 5, and July 16, 1929, respectively, and transported from the State of Connecticut into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetanilid, cinchona alkaloids, camphor, aloin, an extract of a laxative plant drug, and a trace of aconitine.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling were false and misleading: (Circular) "The easiest and best way to break up and get rid of * * * the Grippe is to take some * * * harmless * * * combination of remedies * * * McK. & R. Cold and Grippe Tablets accomplish such purposes * * * safely * * * McK. & R. Cold and Grippe Tablets contain * * * safe agents * * * It is unwise and sometimes dangerous to take certain powerful drugs that depress the heart and derange the circulation * * * McK. & R. Cold and Grippe Tablets do not depress or injure the system. They act * * *

safely." Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of the article, borne on the labels, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tin container) "Grippe Tablets * * * one tablet every two hours * * * until relieved;" (circular) "Grippe Tablets * * * What is called the Grippe, is a 'riot' produced among striking body functions by the efforts of trouble-making germs that have gained entrance to the blood. Constipated bowels, a sluggish liver and disordered stomach * * * poisonous matter which is absorbed into the blood and renders the latter irritating. Such poisonous blood irritates the brain muscles and nerves and makes them ache; the skin and kidneys over-work in the effort to get rid of the waste matter. Hence, the easiest and best way to break up and get rid of * * * Grippe is to take some simple, harmless but effective combination of remedies that will open the bowels, start the kidneys and skin to working actively, relieve the pain and aching, purify the blood and so overcome the strife and quell the riot. McK. and R. Cold and Grippe Tablets accomplish such purposes quickly * * * and effectually. McK. and R. Cold and Grippe Tablets contain standard * * * agents * * * used * * * in the treatment of * * * the Grippe * * * They act surely * * * to overcome the causes that are at the bottom of the trouble, and the effect that follows the taking of the first dose or two is continued provided they are taken until the * * * Grippe * * * cured * * * McK. and R. Cold and Grippe Tablets * * * set your digestive system in order, make skin and kidneys act more energetically * * * At times when Influenza or the Grippe is raging, those who keep their digestive and eliminating organs actively working escape the disease even though they can not avoid exposure to the germs of this disease. McK. and R. Cold and Grippe Tablets, therefore, are surely useful; * * * in most cases prevent and protect. * * * McK. and R. Cold and Grippe Tablets: Adults should take * * * until relieved."

On November 13, 1929, the McKesson-Langley-Michaels Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be made to conform with the Federal food and drugs act under the direction of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16862. Misbranding of Allenru. U. S. v. 15 Dozen Bottles, et al., of Allenru. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23341. S. No. 1465.)

On January 28, 1929, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 $\frac{1}{2}$ dozen bottles of Allenru, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Alle-Rhume Remedy Co., from Rochester, N. Y., between the approximate dates of November 9, 1927 and September 22, 1928, and transported from the State of New York into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium phosphate and sodium sulphate, small amounts of sodium salicylate and colchicine, free acid, glycerin, and water, flavored with licorice and methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, (bottle label) "For Rheumatic Aches and Pains when not due to infection. Has been found helpful in lumbago, sciatica, neuralgia and neuritis," (blown in bottle) "For rheumatic aches and pains," (carton, English and foreign language) "An advanced and improved preparation for the treatment of Acute Rheumatism, Lumbago, Rheumatic Neuritis," (circular) "When you want to get rid of Rheumatism (Not caused by infection) * * * Allenru will help you correct this * * * Is your rheumatism caused by infection? * * * The man or woman who has acute rheumatism is the person most concerned with getting rid of it. How to get rid of the pain, the swelling, the inflammation, the agony, and how to prevent its

returning after it is apparently conquered is what the sufferer wants to know. There are a few common sense, very simple rules to follow if rheumatism is to be driven out of the system. If these rules are followed when Allenrhu is being taken, the chances of overcoming this trouble in a shorter period of time is enhanced. Allenrhu is a medicine compounded in such a manner that experience of years shows that it has a helpful influence over acute rheumatism.

* * * Many rheumatic sufferers are sad and depressed and it is hard to blame them for it. * * * It isn't absolutely necessary to follow these rules when taking Allenrhu and very few people do follow them, but right living helps, as every doctor will tell you, and if you can shorten the duration of the attack by doing all you can to help, it is, of course for your own good. * * * As a general rule Allenrhu (liquid) will be found sufficient for all ordinary cases of acute rheumatism," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 20, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16863. Misbranding of Foley's cold and grippe tablets. U. S. v. 22 Packages of Foley's Cold & Grippe Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23397. I. S. No. 05345. S. No. 1547.)

On February 14, 1929, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 22 packages of Foley's cold and grippe tablets, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by Foley & Co., Chicago, Ill., on or about January 19, 1929, and transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets consisted essentially of acetanilid, a cinchonine compound, capsicum, and an extract of a laxative plant drug.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, (carton) "Grippe Tablets * * * For Grippe Neuralgia * * * Used for * * * Grippe, Neuralgia * * * For * * * Neuralgia follow the same directions until relieved," (display carton containing one dozen boxes) "Grippe Tablets * * * For Grippe, Neuralgia," and (circular) "Grippe Tablets," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 21, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16864. Misbranding of Pneumo-Phthysine. U. S. v. 39 Dozen Small Packages, et al., of Pneumo-Phthysine. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23455. I. S. No. 01574. S. No. 1608.)

On February 25, 1929, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 39 dozen small packages, 8 dozen medium packages, 1 dozen large packages, and 18 dozen extra small packages of Pneumo-Phthysine, remaining unsold in the original packages at St. Louis, Mo., alleging that the article had been shipped by the Pneumo-Phthysine Chemical Manufacturing Co., from Chicago, Ill., in part on or about January 21, 1929, and in part on or about February 13, 1929, and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of clay, glycerin, creosote, and small amounts of guaiacol, methyl salicylate, formaldehyde, and a quinine compound.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, (jar label) "Pneumo-Phthysine * * * Pneumo-

Phthysine Chem. Mfg. Co.," (carton) "Pneumo-Phthysine * * * The Endermic Treatment of Acute Febrile Toxemias with Pneumo-Phthysine * * * Pneumo-Phthysine Chemical Mfg. Co.," (circular) "Exceptional Value in the Treatment of Acute [Fever]s and Local Inflammations Pneumo-Phthysine * * * Pneumo-Phthysine should be applied over the seat of the disease * * * when it is used to reduce the temperature in any condition it may be applied with best results to abdomen or chest. * * * Pneumo-Phthysine when used as an Antipyretic, should be spread on * * * chest or abdomen * * * and allowed to remain until the temperature is reduced or * * * the plaster may be * * * repeated * * * to keep fever down within reasonable limits. Pneumo-Phthysine in Mastitis Pharyngitis, Croup or Tonsillitis. Apply on thin cloth, large enough to extend well over surface of area involved. * * * Pneumo-Phthysine in Bronchitis, Pleurisy or Coughs * * * Apply same as in Pneumonia. The early and persistent use of Pneumo-Phthysine in Coughs * * * will give prompt relief and favorably influence a condition which might otherwise terminate in Pneumonia. * * * Pneumo-Phthysine in Pneumonia. Spread * * * enough to cover * * * chest. * * * Application may be * * * repeated as needed to keep pain and fever under control. Pneumo-Phthysine in Pelvic or Abdominal Inflammations, Typhoid Fever. Spread * * * on thin cloth, enough to cover the abdomen * * * Repeat as needed to control pain and temperature. The period of convalescence will be greatly reduced by the persistent application of Pneumo-Phthysine in Typhoid Fever. Pneumo-Phthysine in Abscess, Felon, Carbuncle, Rheumatic Swelling, Orchitis, and Epididymitis * * * Apply thick to parts affected. * * * Repeat application as needed to control pain and swelling. Pneumo-Phthysine in Measles, Whooping Cough, Scarlet Fever, Apply to front of chest as in Pneumonia. * * * Pneumo-Phthysine (Pneumo-Tysine) The Endermic Antipyretic for Treatment of Acute Febrile Diseases," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 11, 1929, the Pneumo-Phthysine Chemical Manufacturing Co., Chicago, Ill., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be relabeled under the supervision of this department upon the execution of a good and sufficient bond.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16865. Misbranding of Solomon Whitfield Smith's venereal medicine. U. S. v. 2 Dozen Packages of Solomon Whitfield Smith's Venereal Medicine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23906. I. S. No. 03979. S. No. 2106.)

On or about August 2, 1929, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 dozen packages of Solomon Whitfield Smith's venereal medicine, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by S. W. Smith & Co., from Valdosta, Ga., on or about August 31, 1928, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of turpentine oil, copaiba, copper sulphate, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels, and in the accompanying circular, regarding the curative and therapeutic effects of the article, (carton) "Venereal Medicine for Gonorrhoea & Syphilis," (bottle label) "Venereal Medicine," (circular) "Venereal Medicine for Gonorrhoea-Syphilis, Gonorrhoeal Rheumatism, and General Blood Diseases * * * if used as directed we feel assured that the results will justify our confidence in it," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 17, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16866. Misbranding and alleged adulteration of Coliverol. U. S. v. 20 Drums of Coliverol. Product adjudged misbranded; released under bond. (F. & D. No. 23841. I. S. No. 08425. S. No. 2055.)

On or about June 29, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 drums of Coliverol at Chicago, Ill., alleging that the article had been shipped by the Silmo Chemical Co., from Vineland, N. J., June 1, 1929, and transported from the State of New Jersey into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of oil (33 per cent) and ground limestone containing some calcium hydroxide. The oil did not conform to the specifications of the U. S. Pharmacopœia for cod-liver oil, in that it contained excessive free fatty acids and materially higher saponification and iodine numbers. Examination for vitamins showed that the article was virtually devoid of vitamin A potency and that the vitamin D potency was approximately one-fifth that of a good grade of cod-liver oil.

It was alleged in the libel that the article was adulterated in that it was sold under the following professed standard of strength, quality, and purity, (label) "A dried emulsion of cod liver oil," whereas the strength, quality, and purity of the article fell below such standard.

Misbranding was alleged for the reason that the statements, "Coliverol" and "Dried emulsion of cod liver oil," borne on the labels, were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the therapeutic effects of the said article, borne on the labels, "Coliverol increases egg laying" and "Coliverol is a wonderful builder," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 4, 1929, the Silmo Chemical Co. (Inc.), Vineland, N. J., claimant, having admitted the allegations of the libel and having consented to a judgment of condemnation, a decree was entered finding the product misbranded and ordering that it be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that the labels, "Dried emulsion of cod liver oil," "Coliverol increases egg laying," and "Coliverol is a wonderful builder," be removed from the said drums and that the article should not be sold nor disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16867. Adulteration and misbranding of ether. U. S. v. 213 ¼-lb. Cans, et al., of Ether. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23872, 23919. I. S. Nos. 08525, 08576. S. Nos. 2160, 2061.)

On July 3, 1929 and August 9, 1929, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of one hundred and fifteen 1-pound cans, one hundred and forty ½-pound cans, and two hundred and thirteen ¼-pound cans of ether, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the American Solvents & Chemical Corporation from Albany, N. Y., in various consignments, on or about January 21, March 28, and July 18, 1929, respectively, and transported from the State of New York into the State of Massachusetts, and charging adulteration in regard to a portion of the article, and adulteration and misbranding in regard to the remainder thereof, in violation of the food and drugs act. The article was labeled in part: "Anesthesia Ether."

Analysis of a sample of the article by this department showed that the ether contained peroxide.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of purity as determined by the test laid down in said pharmacopœia, in that it contained peroxide.

Misbranding was alleged with respect to a portion of the article for the reason that the statement "Ether," borne on the packages containing the said article, was false and misleading in that the said statement represented the article to be ether as defined in the United States Pharmacopœia, whereas it was not ether as defined in said pharmacopœia, since it contained peroxide.

On September 30, 1929, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16868. Adulteration and misbranding of Knewitz's Stopake powders. U. S. v. 12 Dozen Packages of Knewitz's Stopake Powders. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23401. I. S. No. 01550. S. No. 1534.)

On February 15, 1929, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 dozen packages of Knewitz's Stopake powders, remaining in the original packages at St. Louis, Mo., in possession of the Narco Drug Co., alleging that the article had been transported in interstate commerce by G. Knewitz, from East St. Louis, Ill., on or about January 3, 1929, by a salesman of the Narco Drug Co., to St. Louis, Mo., and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of acetanilid (3.01 grains per capsule), and aspirin (6.06 grains).

It was alleged in the libel that the article was adulterated in that its strength, quality, or purity fell below the professed standard under which it was sold, namely, that each powder contained "Acetanilid $3\frac{1}{2}$ grains per dose."

Misbranding was alleged for the reason that the statement on the package, "Contains acetanilid $3\frac{1}{2}$ grains per dose," was false and misleading. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of acetanilid contained in the article. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (carton and display carton) "Neuralgia, Toothache, Rheumatism, Backache, * * * Grippe, Earache, Sore Joints, Ache, Pain and Soreness," (circular) "Grippe, Earache, Rheumatism, Sore Joints, Neuralgia, Sore Throat, Toothache, Backache, Womens Pains, Neuralgia, Toothache * * * Rheumatism, Sciatica, Sore Joints * * * Grippe, Influenza Burn * * * Boils, Carbuncles, and Felons * * * Earache," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 18, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16869. Misbranding of Pronto. U. S. v. 24 Dozen Packages of Pronto. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23469. I. S. No. 05581. S. No. 1631.)

On February 27, 1929, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court for said district a libel praying seizure and condemnation of 24 dozen packages of Pronto, remaining in the original and unbroken packages at Tampa, Fla., alleging that the article had been shipped by the National Drug Products (Inc.), from Albany, Ga., on or about January 21, 1929, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ammonium salicylate, glycerin, small amounts of potassium, antimony, and free ammonia, traces of magnesium, chlorides, and sulphates, and an extract of a laxative plant drug.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labels, "Through this remedy your greatest health-enemies (* * * grippe, and flu germs) have been inactivated," were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (bottle) "Grippe * * * Coughs * * * Sore Throat," (carton) "Grippe * * * Coughs * * * Sore Throat * * * Chronic Constipation * * * valuable aid in * * * Bronchitis, Sore Throat and Hoarseness, * * * anyone with a sensitive throat, will find this preparation * * * help in keeping the throat in the pink of condition," (circular) "Grippe. This disease is so akin to Flu that we recommend the same treatment; that is, two tea-

spoonfuls every hour and a half to two hours until relief is felt, * * * Flu * * * Coughs * * * Sore Throat * * * Bronchitis * * * Use as a gargle and swallow. Use in this manner until relief is obtained * * * Whooping Cough: Notice the patient so you can tell about what time the coughing spell is coming on and just before each coughing spell give one to two teaspoonfuls. Croup * * * begin administering Pronto as follows: Children six years and under, half teaspoonful every thirty minutes to an hour until relieved. Children above six years of age, one to two teaspoonfuls. Continue until relieved, then * * * Asthma: In cases of asthma, use the same directions as above given for bronchitis sufferers. Neuralgia: Take two teaspoonfuls every one or two hours until relief is obtained, * * * Indigestion * * * Constipation: Chronic * * * Female Pains: Two teaspoonfuls every three or four hours, preceding the symptoms of the pains if possible. How To Get the Best Results with Pronto * * * The first few doses of Pronto are going to make you feel better—much better—but our advice is to keep up the treatment until the medicine has had the opportunity to thoroughly repair the damage to your system before thinking of leaving it off. The average sickness is not instantaneous, but the result of a gradual weakening or breaking down of the system which has been going on over a period of days, weeks or months, and it is not logical to assume that such condition can be thoroughly corrected in a day or so. Immediate relief can be expected, but it requires time and treatment to put the depleted system back to its normal, germ-resisting powers. * * * take two or three bottles if necessary—and get your system in the proper condition to avoid a relapse or other more serious troubles which so often follows colds, coughs and flu. * * * through this remedy your greatest health-enemies (* * * grippe and flu germs), have been inactivated, and since no one is immune from the ravages of these health-destroying pests, the knowledge you will gain from reading this folder will, sooner or later, prove [of] inestimable value to you and mayhap be the means of saving you, some of your family or friends from serious suffering. The after-danger from * * * grippe or flu is to be feared more than the disease itself, leaving as it does a weakened bronchial tract that is susceptible to serious bronchial or pulmonary breakdown. This new discovery, Pronto, not only stops the * * * grippe or flu, but minimizes the possibility of a weakened system afterwards. No matter * * * how painful the grippe, how aggravating the flu, or how frigid you feel, a few doses of this remarkable prescription will bring almost instant relief. The system immediately absorbs it reducing the fever, alleviating pain and preventing more serious complications * * * The same medicines used for treating * * * grippe or flu will also prove valuable in the treatment of other ailments as described further on in this folder,” were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On October 3, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16870. Misbranding of Tydings' Turpentine Man's remedy. U. S. v. 16 Bottles of Tydings' Turpentine Man's Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23876. S. No. 2069.)

On July 9, 1929, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 16 bottles of Tydings' Turpentine Man's remedy, remaining in the original unbroken packages at Columbia, S. C., alleging that the article had been shipped by Tydings & Co., from Ocala, Fla., on June 13, 1929, and transported from the State of Florida into the State of South Carolina, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide, salicylic acid, sugar, extracts of plant drugs including a laxative drug, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle and carton labels and in the circular, regarding the curative and therapeutic effects of the said article, (bottle label) "Remedy for Stiffening [Stiffened] Joints," (carton label) "Remedy * * * for Rheumatism, for Stiffening [Stiffened] and Aching Bones and Muscles," (circular) "Remedy for Stiffened and Aching Bones and Muscles," were false

and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On October 17, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16871. Misbranding of Case's antiseptic ointment. U. S. v. 2 Dozen Small and 2 Dozen Large Jars of Case's Antiseptic Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23975. I. S. Nos. 03914, 03915. S. No. 2202.)

On August 30, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 dozen small and 2 dozen large jars of Case's antiseptic ointment, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Case Manufacturing Co., Trenton, N. J., alleging that the article had been shipped from Trenton, N. J., on or about May 8, 1929, and transported from the State of New Jersey into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the ointment consisted essentially of a tallow base, containing small amounts of phenol and volatile oils including camphor and sassafras oil.

It was alleged in the libel that the article was misbranded in that the statements borne on the labels, "This Ointment is made from a combination of oils extracted from herbs, roots and barks," were false and misleading. Misbranding was alleged for the further reason that the following statements appearing on the labels, "The Healing Wonder * * * Abscesses, Sores of Long Standing, Piles, Eczema * * * Erysipelas * * * Pain in the Side or Back * * * Bunions, Neuralgia, Pneumonia on the Lungs, Sore Throat, Caked or Sore Breast, * * * Enlargement of the Glands, Swelling of any kind," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 25, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16872. Adulteration of ether. U. S. v. One Hundred and Twelve 1-Pound Cans of Ether. Default decree of destruction entered. (F. & D. No. 24079. I. S. No. 07161. S. No. 2320.)

On September 24, 1929, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of fifty 1-pound cans of ether, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Mallinckrodt Chemical Works, St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., in two consignments, on or about May 10, 1927, and October 19, 1927, and transported from the State of Missouri into the State of California, and charging adulteration in violation of the food and drugs act. On October 9, 1929, the said libel was amended to cover one hundred and twelve 1-pound cans of the product.

Analysis of a sample of the article by this department showed that the ether contained peroxide.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the U. S. Pharmacopoeia and differed from the standard of purity as specified by that authority.

On October 28, 1929, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16873. Adulteration and misbranding of ether. U. S. v. Fifteen 1-lb. Cans, et al., of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24074. I. S. Nos. 021188, 021189, 021190, 121191. S. N. 2297.)

On September 19, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and

condemnation of forty 1-pound cans, one hundred and eighty ½-pound cans, and ninety ¼-pound cans of ether, remaining in the original unbroken packages at Hoboken, N. J., alleging that the article had been shipped by the Ohio Chemical & Manufacturing Co., Cleveland, Ohio, on or about August 30, 1929, and transported from the State of Ohio into the State of New Jersey, and charging adulteration with respect to a portion of the article, and adulteration and misbranding with respect to the remainder thereof, in violation of the food and drugs act. A portion of the article was labeled in part: "Ether for Anesthesia." The remainder of the said article was labeled in part: "CO₂ Ether."

Analysis of a sample of the article by this department showed that the ether contained peroxide.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of purity as specified by that authority, in that it contained peroxide. Adulteration was alleged with respect to the product labeled "CO₂ Ether" for the further reason that its purity fell below the professed standard under which it was sold, namely, (label) "The exceptional purity of this Ether * * * The exclusion of air by carbon dioxid prevents the oxidation of ether to * * * peroxides by atmospheric oxygen."

Misbranding was alleged with respect to the product labeled in part, "CO₂ Ether," in that the statements on the labeling, "The exceptional purity of this Ether," and "The exclusion of air by carbon dioxid prevents the oxidation of ether to * * * peroxides by atmospheric oxygen," were false and misleading.

On October 31, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16874. Misbranding of Dr. J. H. McLean's tar wine cough balm. U. S. v. 22 Bottles of Dr. J. H. McLean's Tar Wine Cough Balm. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23487. I. S. No. 05030. S. No. 1644.)

On March 4, 1929, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 22 bottles of Dr. J. H. McLean's tar wine cough balm at Atchison, Kans., alleging that the article had been shipped by the Dr. J. H. McLean Medicine Co., from St. Louis, Mo., on or about November 10, 1928, and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of small amounts of extracts of plant drugs including glycyrrhiza, wood tar, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the therapeutic or curative effects of the said article, borne on the labels of the bottles, cartons, and in the circulars, (bottles) "For * * * Coughs * * * Influenza or La Grippe, Whooping Cough and Spasmodic Croup. * * * para * * * Tosés, * * * Influenza, La Grippe, * * * Ferinay, Crup Espasmodico," (carton) "Coughs * * * Influenza or La Grippe, Whooping Cough and Spasmodic Croup," (small circular) "For * * * Coughs * * * Hoarseness, La Grippe or Influenza," (large circular) "Coughs * * * Influenza, La Grippe, Whooping Cough, Spasmodic Croup, * * * Coughs * * * If you have a Cough, take Dr. J. H. McLean's Tar Wine Cough Balm * * * Some people have old coughs which they have been troubled with for a long time. Dr. J. H. McLean's Tar Wine Cough Balm will tend to relieve them," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of such purchasers the impression and belief that it was effective in the diseases and conditions named therein.

On June 15, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16875. Misbranding of Rapid quinine laxative cold tablets. U. S. v. 31 Packages of Rapid Quinine Laxative Cold Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23576. I. S. No. 04934. S. No. 1702.)

On April 5, 1929, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 31 packages of Rapid quinine laxative cold tablets, remaining in the original unbroken packages at Cairo, Ill., alleging that the article had been shipped by the G. P. Steyh Importing Co., St. Louis, Mo., on or about February 15, 1929, and transported from the State of Missouri into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetanilid, calcium carbonate, sodium bicarbonate, milk sugar, extracts of plant drugs including a laxative drug, and a small amount of alkaloids but no quinine.

The article was labeled in part: (Carton container, circular, and display carton) "Rapid Quinine Laxative Cold Tablets;" (circular) "These tablets present the recognized power of the purest Quinine in a form that is quickly absorbed by the system. They do not act like ordinary Quinine pills—they do not make the ears ring—they act quickly and surely. * * * there are no disagreeable effects."

It was alleged in the libel that the article contained no quinine and was misbranded in that the labels bore statements which were false and misleading and deceived and misled purchasers thereof. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the labels bore the following statements: (carton) It is the * * * tonic Remedy for Coughs * * * Influenza and Fever. Its action is toning and strengthening. Being a tonic Remedy it is invaluable for * * * all aching conditions of the head, bones and body, usually associated with * * * Neuralgia. * * * Influenza, Fever, etc. As a tonic * * * For * * * La Grippe * * * For Fever and Malaria," (circular) "Get * * * Relief from * * * Fever Influenza * * * A cough * * * that hangs on for three or four days may lead to pneumonia or serious lung trouble. * * * Ward off 'Flu' pneumonia and lung troubles * * * The weaker ones are sure to develop serious conditions which oftentimes result fatally. So guard against the contagion of 'colds'—within twenty-four hours Rapid Quinine Will drive it out. Others need not fear the * * * consequent illness. * * * The system is toned and strengthened * * * Rapid Quinine Tablets are a tonic * * * remedy for Grip * * * Coughs * * * Neuralgia and Malaria * * * it stimulates the liver, augments the secretion from the kidneys * * * [In German] Rapid Quinine Tablets are a tonic * * * for Grippe * * * Coughs * * * Neuralgia and Malaria," which said statements were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 6, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16876-16900

[Approved by the Secretary of Agriculture, Washington, D. C., July 16, 1930]

16876. Misbranding of cottonseed meal. U. S. v. 400 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23589. I. S. No. 013038. S. No. 1838.)

On April 8, 1929, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 400 sacks of cottonseed meal, remaining in the original packages at Winchester, Ky., consigned by the Dan Joseph Co., Columbus, Ga., February 26, 1929, alleging that the article had been transported in interstate commerce from Columbus, Ga., into the State of Kentucky, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Pinta Columbus Brand, 41% protein Cottonseed Meal, made by Dan Joseph Co., Columbus, Ga., guaranteed minimum analysis Protein 41%."

Misbranding of the article was alleged in the libel for the reason that the label bore statements, designs, and devices regarding the said article, which were false and misleading in that it was labeled to represent that it contained 41 per cent of protein, and with the intent of deceiving and misleading the purchaser to believe that it contained 41 per cent of protein, whereas it did not, but did contain less than 41 per cent of protein.

On November 7, 1929, the Winchester Roller Mills, Winchester, Ky., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16877. Misbranding of crab meat. U. S. v. Nelson R. Coulbourn. Plea of guilty. Fine, \$25. (F. & D. No. 22547. I. S. No. 20226-x.)

On October 18, 1928, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nelson R. Coulbourn, Hampton, Va., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about August 25, 1927, from the State of Virginia into the State of Pennsylvania, of a quantity of crab meat which was misbranded.

It was alleged in the information that the article was misbranded in that the statement "Net Contents 1 Lb.," borne on the cans containing the said article, was false and misleading in that the said statement represented that each of said cans contained 1 pound net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 1 pound net of the article, whereas they did not, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 12, 1928, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16878. Adulteration of shell eggs. U. S. v. 4 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24361. I. S. No. 020898. S. No. 2288.)

On or about August 22, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 cases of eggs at Chicago, Ill., alleging that the article had been shipped by the Cummins Co., Eagle Lake, Minn., August 10, 1929, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

At the October, 1929, term of said court, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16879. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24359. I. S. No. 011360. S. No. 2289.)

On August 15, 1929, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 tubs of butter, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Rib Lake Co-operative Creamery Co., from Rib Lake, Wis., August 6, 1929, and transported from the State of Wisconsin into the State of Minnesota, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

On September 23, 1929, the Land O'Lakes Creameries (Inc.), claimant, having admitted the allegations of the libel and having consented to the condemnation and forfeiture of the product, judgment was entered ordering that the said product be released to the claimant upon the payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16880. Adulteration of evaporated apples. U. S. v. 145 Boxes of Evaporated Apples. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24281. I. S. No. 020023. S. No. 2534.)

On November 23, 1929, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 145 boxes of evaporated apples at Memphis, Tenn., alleging that the article had been shipped by the Bentonville Evaporator (Co.), from Bentonville, Ark., on or about October 26, 1929, and transported from the State of Arkansas into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Evaporated Apples * * * Packed by Bentonville Evaporator Co., Bentonville, Arkansas."

It was alleged in the libel that the article was adulterated in that a substance, excessive moisture, had been mixed and packed with and substituted in part for the said article.

On November 26, 1929, Donelson & Poston, Memphis, Tenn., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$260, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16881. Adulteration of frozen poultry. U. S. v. 1 Barrel of Frozen Dressed Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24238. I. S. No. 024396. S. No. 2490.)

On November 9, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 barrel of frozen dressed poultry, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Kingan & Co., Indianapolis, Ind., alleging that the article had been shipped from Indianapolis, Ind., on or about November 1, 1929, and transported from the State of Indiana into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it was a product containing decomposed and tubercular birds and consisted in part of a decomposed animal substance, and in that it was the product of diseased animals.

On November 30, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16882. Adulteration of frozen poultry. U. S. v. 1 Barrel of Frozen Dressed Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24237. I. S. No. 024397. S. No. 2489.)

On November 9, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 barrel of dressed frozen poultry, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the R. L. Ditzler Co., Huntington, Ind., alleging that the article had been shipped from Huntington, Ind., on or about November 2, 1929, and transported from the State of Indiana into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it was a product containing decomposed and tubercular birds, and consisted in part of a decomposed animal substance, and in that it was the product of diseased animals.

On November 30, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*

16883. Adulteration and misbranding of walnut meats. U. S. v. 16 Cases of Walnut Meats. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23561. I. S. Nos. 07860, 07861. S. No. 1761.)

On March 26, 1929, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 16 cases of walnut meats, remaining in the original packages at Los Angeles, Calif., alleging that the article had been shipped from Boise, Idaho, on or about March 13, 1929, and transported from the State of Idaho into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Southern California Supply Co." A portion of the said article was further labeled in part: "Invincible Brand Shelled California Walnuts * * * Distributed by Southern California Supply Co., Inc., Los Angeles."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed vegetable substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 2, 1929, the Southern California Supply Co., Los Angeles, Calif., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16884. Adulteration and misbranding of canned tomatoes. U. S. v. 61 Cases, et al., of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23903. I. S. No. 05895. S. No. 2109.)

On July 30 and August 7, 1929, respectively, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 155 cases of canned tomatoes, remaining in the original unbroken packages at Greenfield, Mass., alleging that the article had been shipped by the Frankford Canning Co., from Frankford, Del., on or about October 11, 1928, and transported from the State of Delaware into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Delaware Brand Tomatoes [cut of red, ripe tomato] * * * Packed by Frankford Canning Co., Frankford, Del."

It was alleged in the libels that the article was adulterated in that a substance made from skins, cores, and trimmings had been mixed and packed with the said article, so as to reduce and lower its quality and strength and had been substituted in part for the article.

Misbranding was alleged for the reason that the statement on the label, "Tomatoes," and the design of a red, ripe tomato were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On November 5, 1929, the John S. McDaniel Co., Easton, Md., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the direction and supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16885. Adulteration of butter. U. S. v. Arthur Carl Joseph Iten and John Emil Falk (Deer River Creamery Co.). Pleas of guilty. Fine, \$25 and costs. (F. & D. No. 21568. I. S. No. 7199-x.)

On May 3, 1927, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Arthur Carl Joseph Iten and John Emil Falk, copartners, trading as the Deer River Creamery Co., Deer River, Minn., alleging shipment by said defendants, in violation of the food and drugs act, on or about August 16, 1926, from the State of Minnesota into the State of New York, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the said article purported to be.

On November 13, 1929, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16886. Adulteration of frozen eggs. U. S. v. 541 Cans of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24177. I. S. No. 024276. S. No. 2407.)

On October 25, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 541 cans of frozen whole eggs, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Armour & Co. from Duluth, Minn., on or about March 19, 1929, and transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Whole Egg Purity Frozen Eggs * * * Anglo-American Provision Co., Distributors, Chicago, U. S. A."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance, since an examination of the product showed the presence of decomposed eggs.

On November 21, 1929, Armour & Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and execution of a bond in the sum of \$5,000, conditioned in part that the cans containing good eggs be separated from those containing bad eggs, and the latter destroyed or denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16887. Misbranding of tomato paste. U. S. v. 23 Cases of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24182. I. S. No. 022295. S. No. 2409.)

On October 25, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 23 cases of tomato paste, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Davis Canning Co., Laurel, Del., alleging that the article had been shipped from Laurel, Del., on or about October 8, 1929, and transported from the State of Delaware into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was misbranded in that the statements appearing on the label, "Salsa di Pomodoro al basilico Colombina Brand Pure Tomato Paste with basil Net Weight 6 Oz.," were false and misleading and deceived and misled the purchaser.

On December 4, 1929, John Price & Co., Philadelphia, Pa., having appeared as claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16888. Misbranding of tomato paste. U. S. v. 23 Cases of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24181. I. S. No. 022297. S. No. 2408.)

On October 25, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 23 cases of tomato paste, remaining in the original unbroken packages at Chester, Pa., consigned by the Davis Canning Co., Laurel, Del., alleging that the article had been shipped from Laurel, Del., on or about October 2, 1929, and transported from the State of Delaware into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act.

Misbranding of the article was alleged in the libel for the reason that the statement "Salsa di Pomodoro * * * Pure Tomato Paste," borne on the label, was false and misleading and deceived and mislead the purchaser in that the said statement represented that the article was made solely from tomatoes, whereas it contained added coloring, cochineal, which was undeclared upon the label.

On December 4, 1929, the Chester Wholesale Grocery Co., Chester, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16889. Adulteration of figs. U. S. v. 28 Sacks of Dried Black Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24180. I. S. No. 05992. S. No. 2422.)

On October 24, 1929, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 28 sacks of dried black figs, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by

Western States Grocery Co., Seattle, Wash., on or about October 12, 1929, and transported from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "J. P. Hynes & Co., San Francisco, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and putrid vegetable substance.

On November 14, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16890. Misbranding of bran. U. S. v. 556 Sacks of Bran. Decree of condemnation. Product released under bond. (F. & D. No. 23188. I. S. No. 012980. S. No. 1255.)

On or about October 5, 1928, the United States attorney for the District of Kansas, acting upon a report by an official of the State of Kansas, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 556 sacks of bran, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped in interstate commerce by the Rodney Milling Co., Kansas City, Mo., on or about October 1, 1928, and charging misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was misbranded in that the said sacks contained no mark, brand, or label showing the net weight of the product, or the composition of the contents thereof, or the food value of the same.

On October 11, 1928, the Dixie Milling & Grain Co., Kansas City, Mo., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant for the purpose of being repacked, relabeled, and brought into compliance with the Federal food and drugs act, upon payment of costs of the proceedings and the execution of a good and sufficient bond.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16891. Adulteration of canned frozen whole eggs. U. S. v. 1,875 Cans of Frozen Whole Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24397. I. S. Nos. 015217, 015218. S. No. 2648.)

On or about December 23, 1929, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,875 cans of frozen whole eggs, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Miles Friedman (Inc.), from Chicago, Ill., on or about December 12, 1929, and transported from the State of Illinois into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Whole Eggs * * * Rothenberg & Schneider Bros. * * * Chicago, Ill."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 23, 1929, Miles Friedman (Inc.), Chicago, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for salvaging, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of until brought into conformity with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16892. Adulteration of canned peaches. U. S. v. 528 Cases of Canned Unpeeled Pie Peaches. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24092. I. S. No. 0972. S. No. 2339.)

On September 30, 1929, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 528 cases of canned unpeeled pie peaches, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the W. L. Houser Canning Co., Fort Valley, Ga., on or about July 19, 1929, and transported from the State of Georgia into the State of Louisiana, and charging adulteration in violation of the food and drugs act.

The article was labeled in part: (Case) "Georgia Peaches Oakdale Brand Unpeeled P'les Packed by W. L. Houser Canning Co., Fort Valley, Ga."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance unfit for food.

On November 4, 1929, the Fraering Brokerage Co. (Inc.), New Orleans, La., having appeared as claimant for the property, and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned in part that it be rendered free from worms and any decomposed or putrid animal or vegetable substance and should not be used, sold, or disposed of without having been inspected by a representative of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16893. Adulteration and misbranding of cheese. U. S. v. 25 Boxes of Cheese. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23814. I. S. No. 04169. S. No. 2025.)

On June 13, 1929, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 boxes of cheese, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by D. W. Whitmore & Co. (Inc.), from New York, N. Y., on or about January 31, 1929, and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "D. W. Whitmore & Co., 14066 New York."

It was alleged in the libel that the article was adulterated in that a substance deficient in fat and containing excessive moisture had been substituted in part for the said article and had been mixed and packed with it so as to reduce and lower its quality and strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On or about December 7, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16894. Adulteration and misbranding of canned frozen eggs. U. S. v. 255 Cans of Frozen Whole Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24176. I. S. No. 024277. S. No. 2417.)

On October 25, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 255 cans of frozen whole eggs, consigned August 5, 1929, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Federal Cold Storage Co., from Piqua, Ohio, and transported from the State of Ohio into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance, to wit, decomposed eggs.

Misbranding was alleged for the reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 12, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16895. Adulteration of vinegar. U. S. v. National Vinegar Co. Plea of nolo contendere. Fine, \$550 and costs. (F. & D. No. 23732. I. S. Nos. 19907-x, 19913-x, 19999-x, 23716-x, 23815-x, 23817-x, 23818-x, 23821-x, 23822-x, 23823-x, 25239-x.)

On September 5, 1929, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Vinegar Co., a corporation, St. Louis, Mo., alleging shipment by said

company in violation of the food and drugs act, between the approximate dates of September 10, 1927, and January 27, 1928, from the State of Missouri in various consignments into the States of Tennessee, Illinois, and Iowa, respectively, of quantities of vinegar which was adulterated. The article was contained in barrels labeled in part variously: "National Vinegar Co. Gold-N-Rule Brand * * * Pure Cider Vinegar;" "National Vinegar Co. * * * Pure Cider Vinegar;" "National Vinegar Company Gold-N-Rule Brand * * * Pure Cider Vinegar;" "National Vinegar Co. * * * Pure Evaporated Apple Vinegar;" "National Vinegar Co. Gold-N-Rule Brand * * * Cider Vinegar;" "National Vinegar Co. Golden-N-Brand Pure Evaporated Vinegar Reduced to 4%;" "National Vinegar Co. * * * Pure Evaporated Apple Vinegar;" "National Vinegar Co. Gold-N-Rule Brand * * * Evaporated Apple Vinegar;" "Cider Vinegar;" and "Evaporated Apple Vinegar."

It was alleged in the information that the article was adulterated in that certain substances had been substituted in part for the product which the article purported to be, as follows: Corn-sugar vinegar had been substituted in part for pure cider vinegar, pure evaporated-apple vinegar, or evaporated-apple vinegar, as the case might be; evaporated-apple vinegar had been substituted in part for cider vinegar; distilled vinegar had been substituted in part for evaporated-apple vinegar; and water and colored distilled vinegar had been substituted in part for pure evaporated-apple vinegar; colored distilled vinegar had been substituted in part for pure evaporated-apple vinegar; and an acid product other than evaporated-apple vinegar had been substituted in part for evaporated-apple vinegar; and in that said substituted products had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength. Adulteration was alleged with respect to two lots of the evaporated-apple vinegar for the further reason that the article had been mixed and colored with water and colored distilled vinegar in one instance and with colored distilled vinegar, in the other instance, in a manner whereby damage and inferiority were concealed.

On October 4, 1929, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$550 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16896. Adulteration and misbranding of grape juice. U. S. v. 32 Bottles, et al., of Grape Juice. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23925. I. S. No. 09730. S. No. 2178.)

On August 16, 1929, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 32 quart-size bottles and 16 pint-size bottles of grape juice, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Island Belle Grape Juice Co., from Grapeview, Wash., on or about May 29, 1929, and transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle) "Island Belle * * * Grape Juice from Delicious Island Belle Grapes and Pure Cane Sugar Island Belle Grape Juice Co. Inc., Grapeview, Wash."

It was alleged in the libel that the article was adulterated in that water had been mixed and packed with and substituted in part for grape juice, which the said article purported to be.

Misbranding was alleged for the reason that the designation "Grape Juice," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a grape juice containing added water. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the following statements borne on the label, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Grape Juice is a particularly wonderful solvent. It thins and stimulates the blood, opening the way into capillaries already dried and choked up—If the process has not gone too far. By a course of unfermented grape juice treatment, people with sunken eyes, wrinkled skins, and poor complexions, become plump, ruddy, and lively. The increased permeability enables the spirit to manifest more freely and with renewed energy."

On December 3, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16897. Adulteration of walnut pieces. U. S. v. 150 Cases of Walnut Pieces. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24262. I. S. No. 028676. S. No. 2510.)

On November 19, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 150 cases of walnut pieces, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by L. Michailovitch, from Cruz-Napoli and Treviso-Trieste, Italy, in part December 8, 1928, and in part January 2, 1929, to New York, N. Y., received on or about January 20, 1929, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 4, 1929, T. M. Duche & Sons, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$3,300, conditioned in part that it be sorted to separate the good nuts from the bad, and the bad portion destroyed or denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16898. Adulteration and misbranding of cocoa powder. U. S. v. 2½ Barrels of Cocoa Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23792. I. S. No. 07346. S. No. 2002.)

On June 4, 1929, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2½ barrels of cocoa powder at Billings, Mont., alleging that the article had been shipped by the Taylor-Edwards Co., from Seattle, Wash., on or about June 5, 1928, and transported from the State of Washington into the State of Montana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "E. & A. Opler, Inc. Chicago-American Brand Pure Cocoa Powder 200 [or "220" or "20"]."

It was alleged in the libel that the article was adulterated in that cocoa shell had been mixed and packed with and substituted in part for cocoa powder.

Misbranding was alleged for the reason that the above-described label was false and misleading, and was intended to and did deceive and mislead purchasers thereof.

On November 26, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16899. Adulteration and misbranding of Blatz grape gum. U. S. v. 48 Boxes of Blatz Grape Gum. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22767. I. S. No. 24043-x. S. No. 788.)

On May 9, 1928, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 48 boxes of Blatz grape gum, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the Val Blatz Brewing Co., Newport, R. I., April 16, 1928, and transported from the State of Rhode Island into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that an artificially flavored substance had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the following statements regarding the article, borne on the labels, were false and misleading and deceived

and misled the purchaser: (Stencil on case) "Grape Gum;" (individual wrapper) "Original Grape Chewing Gum—Grape Gum Lasting Grape Flavor * * * Refreshing Grape Flavor." Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On October 22, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16. 00. Adulteration of cull poultry. U. S. v. 1 Barrel of Cull Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24270. I. S. No. 028680. S. No. 2516.)

On November 22, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 barrel of cull poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Vilas & Co., from Storm Lake, Iowa, November 5, 1929, and transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, in that it consisted in whole or in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On December 12, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16901-16925

[Approved by the Acting Secretary of Agriculture, Washington, D. C., August 4, 1930]

16901. Misbranding of cottonseed meal. U. S. v. Home Oil Mill. Plea of guilty. Fine, \$150. (F. & D. No. 23715. I. S. Nos. 8542-x, 11872-x, 15835-x, 18381-x, 18576-x, 20650-x.)

On May 3, 1929, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Home Oil Mill, a corporation, Decatur, Ala., alleging shipment by said company, in violation of the food and drugs act, between the approximate dates of August 10, 1927, and November 17, 1927, from the State of Alabama in various consignments into the States of Maryland, New York, Tennessee, Kentucky, and Pennsylvania, respectively, of quantities of cottonseed meal which was misbranded.

It was alleged in the information that the article was misbranded in that the statements borne on the various labels of certain portions of the article, to wit, "Guaranteed Analysis * * * 41% Prime Cottonseed Meal," "Protein (min.) 41.00%," "Guaranteed Analysis * * * 36% Prime Cotton Seed Meal," "Guaranteed Analysis Protein 41.00 Per Cent," "Prime Cotton Seed Meal * * * Guaranteed Analysis Protein (minimum) 41.00%," were false and misleading in that the said statements represented that the article was 41 per cent cottonseed meal, or 36 per cent cottonseed meal, and contained 41 per cent of protein, or 36 per cent of protein, as the case might be; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was 41 per cent cottonseed meal, or 36 per cent cottonseed meal, and contained 41 per cent, or 36 per cent, as the case might be, of protein; whereas it was not cottonseed meal of the grade represented and contained less protein than declared on the label, the various lots of so-called 41 per cent cottonseed meal containing approximately 38.93 per cent, 39 per cent, 39.77 per cent, and 38.94 per cent, respectively, of protein and the so-called 36 per cent cottonseed meal containing approximately 34.34 per cent of protein. Misbranding was alleged with respect to the remaining portion of the article for the reason that the statements, to wit, "High Grade Cotton Seed Meal * * * Guaranteed Analysis Crude Protein 41.00% (Equals Ammonia) 8.00% * * * Nitrogen 6.50%" borne on the label were false and misleading in that they represented that the article was high-grade cottonseed meal and contained not less than 41 per cent of protein, equal to 8 per cent of ammonia and not less than 6.50 per cent of nitrogen; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was high-grade cottonseed meal and contained not less than 41 per cent of protein, equal to 8 per cent of ammonia and not less than 6.50 per cent of nitrogen, whereas it was not high-grade cottonseed meal, and contained less than 41 per cent of ammonia and less than 6.50 per cent of nitrogen, to wit, approximately 37.02 per cent of protein, equal to 7.19 per cent of ammonia, and approximately 5.92 per cent of nitrogen.

On October 1, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16902. Adulteration and misbranding of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24058. I. S. No. 011359. S. No. 2195.)

On August 6, 1929, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 tubs of butter, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Bowdle Creamery & Produce Co., from Bowdle, S. Dak. July 24, 1929, and transported from the State of South Dakota into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On August 19, 1929, the Minnesota Creamery Co., St. Paul, Minn., having appeared as claimant for the property and having consented to its forfeiture and condemnation, judgment was entered ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked, under the supervision of this department, and should not be disposed of until inspected and pronounced as meeting the requirements of the law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16903. Adulteration of almonds. U. S. v. 600 Bags of Almonds. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24275. I. S. No. 028678. S. No. 2514.)

On November 25, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 600 bags of almonds, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Rosenberg Bros. & Co., San Francisco, Calif., on or about September 28, 1929, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ensign Brand California Nonpareil Almonds Crop 1929 Rosenberg Bros. & Co., California, U. S. A."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, to wit, wormy, moldy, and empty nuts, and in that the shells of the said almonds had been artificially bleached.

On December 27, 1929, Rosenberg Bros. & Co., San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$20,000, conditioned in part that they be sorted under the supervision of this department and the bad portion destroyed or denatured.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16904. Adulteration and misbranding of frozen eggs. U. S. v. 494 Cans of Frozen Eggs. Consent decree entered. Product released under bond to be salvaged. Bad portion ordered condemned and destroyed. (F. & D. No. 24259. I. S. No. 024285. S. No. 2503.)

On November 14, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 494 cans of frozen eggs, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by the Industrial Cold Storage Co., from Philadelphia, Pa., on or about November 13, 1929, and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 15, 1930, Marshall Kirby & Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product might be sorted by the said claimant upon payment of costs and the execution of a bond in the sum of \$5,000. The conditions of the said bond were that the product remain at the place of seizure, the good portion separated from the bad portion and the former marked with a statement of the net weight, and that the entire lot be retained for inspection by this department. It was further ordered by the court that the portion not passed by this department as in compliance with the law, or the entire lot in the event of failure to make proper separation, be condemned and destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16905. Adulteration and alleged misbranding of butter. U. S. v. 50 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23945. I. S. No. 010220. S. No. 2171.)

On July 26, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Welton Creamery Co., from Delmar, Iowa, July 17, 1929, and transported from the State of Iowa into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength; in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article; and in that the article did not comply with the standard established by Congress.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On August 16, 1929, the Peter Fox & Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16906. Adulteration and alleged misbranding of butter. U. S. v. 21 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24010. I. S. No. 09246. S. No. 2142.)

On July 22, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 21 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Crystal Creamery Co., from New Albion, Iowa, July 10, 1929, and transported from the State of Iowa into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength; in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article; and in that the article did not comply with the standard established by Congress.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On August 16, 1929, the Peter Fox & Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16907. Adulteration of sweet pickles. U. S. v. 42 Cases of Sweet Pickles. Default order of destruction entered. (F. & D. No. 22999. I. S. No. 01443. S. No. 1076.)

On August 18, 1928, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 42 cases of sweet pickles, remaining in the original unbroken packages at Paducah, Ky., alleging that the article had been shipped by the Louis Maull Co., St. Louis, Mo., on or about June 21, 1928, and transported from the State of Missouri into the State of Kentucky, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Jars) "Top Notch * * * Sweet Pickles * * * Packed by L. Maull Co., * * * St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that a substance, saccharin, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or other added deleterious ingredient, to wit, saccharin, which might have rendered it injurious to health.

On August 22, 1929, a decree was entered ordering that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16908. Adulteration of canned frozen eggs. U. S. v. Paul Kalb. Plea of nolo contendere. Fine, \$200 and costs. (F. & D. No. 23712. I. S. No. 12112-x.)

On April 17, 1929, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Paul Kalb, Toledo, Ohio, alleging shipment by said defendant, in violation of the food and drugs act, on or about May 7, 1928, from the State of Ohio into the State of Michigan, of a quantity of canned frozen eggs which were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On September 20, 1929, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$200 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16909. Adulteration and misbranding of vinegar. U. S. v. 19 Cases of Apple Cider Vinegar, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 22998. I. S. Nos. 01441, 01442. S. No. 1077.)

On August 21, 1928, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 19 cases of apple cider vinegar, and 19 cases of evaporated apple vinegar, remaining in the original unbroken packages at Paducah, Ky., alleging that the articles had been shipped by the Louis Maull Co., St. Louis, Mo., in part on or about September 15, 1927, and in part on or about June 21, 1928, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part, respectively: (Pint bottles) "Top Notch Apple Cider Vinegar One Pint Reduced to 4% Acid Strength. Packed by L. Maull Co. * * * St. Louis, Mo.;" (jugs) "Top Notch Evaporated Apple Vinegar ½ Gallon. Reduced to 4% Acid Strength. Packed by L. Maull Co., * * * St. Louis, Mo."

Adulteration was alleged in the libel with respect to the apple cider vinegar for the reason that substances, water and distilled water (distilled vinegar),

had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged with respect to the evaporated apple vinegar for the reason that a substance, corn sugar vinegar, had been substituted wholly for the said article.

Misbranding was alleged with respect to the apple cider vinegar for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package cartons; in that the statement on the bottle label, "Vinegar Apple Cider Reduced to 4% Acid Strength," was false and misleading and deceived and misled the purchaser; and in that the article was an imitation of and offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the evaporated apple vinegar for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package cartons, in that they were incorrectly marked; in that the statement on the label, "Evaporated Apple Vinegar Reduced to 4% Acid Strength," was false and misleading and deceived and misled the purchaser; and in that it was an imitation of and offered for sale under the distinctive name of another article.

On August 17, 1929, no claimant having appeared for the property, judgments of condemnation were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16910. Adulteration of shell eggs. U. S. v. Earl Compton (Manassas Produce Co.). Plea of nolo contendere. Fine, \$25. (F. & D. No. 23710. I. S. No. 03393.)

On March 9, 1929, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the district aforesaid, holding a District Court, an information against Earl Compton, trading as the Manassas Produce Co., Washington, D. C. alleging that the said defendant had sold and offered for sale in the District of Columbia, on or about August 10, 1928, in violation of the food and drugs act, a quantity of shell eggs which were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On April 3, 1929, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16911. Adulteration of vinegar and prepared mustard. U. S. v. Louis Maull Co. Food Products Co. Pleas of guilty. Fines, \$125. (F. & D. Nos. 23730, 23735. I. S. Nos. 23710-x, 25303-x, 25304-x, 26282-x, 26283-x, 01441, 01442.)

On April 12 and September 5, 1929, respectively, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against the Louis Maull Co. Food Products Co., St. Louis, Mo., alleging shipment by said company, in violation of the food and drugs act, in various consignments, between the approximate dates of June 8, 1927, and June 21, 1928, from the State of Missouri into the States of Kentucky, Illinois, and Iowa, respectively, of quantities of vinegar and mustard, which were adulterated. A portion of the said vinegar was contained in barrels labeled in part: "Evaporated Apple Vinegar Louis Maull Co. Reduced to 40 Grain St. Louis, Mo." The remainder of the said vinegar was contained in bottles labeled in part: "Top Notch Vinegar Apple Cider (or "Evaporated Apple") Reduced to 4% Acid Strength Packed by L. Maull Co. Food Products Co. St. Louis, Mo." The prepared mustard was labeled in part: "Top Notch Prepared Mustard * * * Packed by L. Maull Co. Food Products Co. St. Louis, Mo."

Adulteration was alleged in the information with respect to a portion of the evaporated apple vinegar for the reason that a substance, to wit, corn sugar vinegar, had been substituted wholly for evaporated apple vinegar which the article purported to be. Adulteration was alleged with respect to the remaining vinegars for the reason that substances, namely, distilled vinegar and water, with respect to a portion of the apple cider vinegar; a mixture of

water, corn sugar vinegar, and distilled vinegar, with respect to a portion of the said apple cider vinegar; water, with respect to a portion of the evaporated apple vinegar; and corn sugar vinegar, and water, with respect to a portion of the evaporated apple vinegar, had been mixed and packed with the articles so as to lower and reduce and injuriously affect their quality and strength, and had been substituted in part for apple cider vinegar, or evaporated apple vinegar, as the case might be, which the articles purported to be. Adulteration was alleged for the further reason that the articles were inferior to apple cider vinegar or evaporated apple vinegar, as the case might be, and were mixed in a manner whereby damage and inferiority were concealed. Adulteration of the prepared mustard was alleged for the reason that a substance, to wit, mustard bran, had been substituted in part for prepared mustard which the article purported to be; in that a substance, to wit, mustard bran, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength; and in that mustard bran had been mixed with the article in a manner whereby damage and inferiority were concealed.

On September 17, 1929, pleas of guilty to the informations were entered on behalf of the defendant company, and the court imposed fines totaling \$125.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16912. Adulteration of cheese. U. S. v. Horace H. Price (Price Bros.).
Plea of nolo contendere. Fine, \$250. (F. & D. No. 23748. I. S. Nos. 03135, 03137, 03138.)

On August 22, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Horace H. Price, trading as Price Bros., Philadelphia, Pa., alleging shipment by said defendant in violation of the food and drugs act, in various consignments on or about July 18, 1928, July 19, 1928, and August 1, 1928, from the State of Pennsylvania into the State of New Jersey, of quantities of cheese which was adulterated.

It was alleged in the information that the article was adulterated in that a product low in fat and which contained excessive moisture had been substituted for whole milk cheese, which the article purported to be.

On September 19, 1929, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$250.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16913. Misbranding of cottonseed meal. U. S. v. 63 Sacks of Cottonseed Meal. Default order of destruction entered. (F. & D. No. 23696. I. S. No. 013043. S. No. 1947.)

On May 10, 1929, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 63 sacks of cottonseed meal, remaining in the original unbroken packages at Franklin, Ky., alleging that the article had been shipped by the F. W. Brod  Corporation, from Sulligent, Ala., on or about February 16, 1929, and transported from the State of Alabama into the State of Kentucky, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "100 Lbs. Net Owl Brand 41 per cent Prime Cotton seed meal made by F. W. Brod  Corporation, Memphis, Tenn. Guaranteed Analysis Protein 41 per cent."

It was alleged in the libel that the article was misbranded in that the statement "41 per cent Prime Cottonseed Meal" was false and misleading and deceived and misled the purchaser.

On September 11, 1929, no claimant having appeared for the property, a decree was entered ordering that the one sack of the product that had been seized be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16914. Adulteration and alleged misbranding of butter. U. S. v. 6 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23947. I. S. No. 011854. S. No. 2175.)

On July 26, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 tubs of butter, remaining in the original unbroken packages

at Chicago, Ill., alleging that the article had been shipped by the Rock Falls Creamery Co., from Caryville, Wis., July 16, 1929, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, to wit, excessive water, had been mixed and packed with the said article, so as to reduce and lower and injuriously affect its quality and strength; for the further reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, or lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article; and for the further reason that the article did not comply with the standard established by Congress.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On August 30, 1929, Edward Macek, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16915. Adulteration and alleged misbranding of butter. U. S. v. 17 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24233. I. S. No. 020624. S. No. 2328.)

On September 9, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 17 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the York Cooperative Creamery Association, from Williamsburg, Iowa, August 30, 1929, and transported from the State of Iowa into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength; in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article; in that a valuable constituent, to wit, butterfat, had been in part abstracted from the article; and in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 12, 1929, the H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed so that it contain not less than 80 per cent of milk fat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16916. Adulteration of canned frozen eggs. U. S. v. 382 Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23801. I. S. No. 02737. S. No. 2022.)

On or about June 11, 1929, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 382 cans of frozen eggs, remaining in the original unbroken packages at Buffalo, N. Y., consigned by Armour & Co., Duluth, Minn., alleging that the article had been shipped from Duluth, Minn., on or about November 29, 1929 (1928), and transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Whole Eggs * * * Anglo American Provision Co., Distributors, Chicago, U. S. A."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On June 24, 1929, Armour & Co., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$5,800, conditioned in part that it be salvaged under the supervision of this department and the portion found unfit for human consumption denatured.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16917. Adulteration and misbranding of vanilla extract. U. S. v. 210 Bottles of Vanilla Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 24265, 24266. I. S. Nos. 024811, 024812. S. Nos. 2508, 2509.)

On November 18, 1929, the United States attorney for the District of Nebraska, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 210 bottles of vanilla extract, remaining in the original unbroken packages in part at Fort Omaha, Nebr., and in part at Fort Crook, Nebr., alleging that the article had been shipped by the Atlanta Supply Co., Atlanta, Ga., in two consignments, on or about August 29 and August 30, 1929, respectively, and transported from the State of Georgia into the State of Nebraska, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Flavoring Extract Vanilla 40% Alcohol * * * The Atlanta Supply Co., Atlanta, Georgia."

It was alleged in the libel that the article was adulterated in that an artificially colored product deficient in vanilla had been substituted in part for the said article, and in that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Flavoring Extract Vanilla," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On December 27, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16918. Adulteration and misbranding of preserves. U. S. v. 10 Cases of Strawberry Preserves, et al. Decree of forfeiture entered. Products released under bond. (F. & D. No. 23648. I. S. Nos. 07867, 07868, 07869. S. No. 1854.)

On April 20, 1929, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cases of strawberry preserves, 10 cases of raspberry preserves, and 5 cases of loganberry preserves, remaining in the original unopened packages at Twin Falls, Idaho, alleging that the articles had been shipped by the Kerr Conserving Co., from Portland, Oreg., on or about March 8, 1929, and transported from the State of Oregon into the State of Idaho, and charging adulteration and misbranding in violation of the food and drugs act. The said cases each contained a number of cans labeled in part: "Kerr's Strawberry (or 'Raspberry' or 'Loganberry') Preserves Compound Sugar Pectin Syrup 45% Kerr Conserving Co., Portland, Ore."

It was alleged in the libel that the articles were adulterated in that pectin, sugar in excess, and acid had been mixed and packed with and substituted in part for strawberry, raspberry, and loganberry preserves, which the articles purported to be.

Misbranding was alleged for the reason that the statements "Strawberry," "Raspberry," and "Loganberry" preserves, borne on the labels, were false and misleading and deceived and misled the purchaser; and in that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On July 15, 1929, the Kerr Conserving Co., Portland, Oreg., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that they should not be sold or disposed of contrary to law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16919. Adulteration of canned cherries. U. S. v. 47 Cases of Canned Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24173. I. S. No. 07238. S. No. 2410.)

On October 22, 1929, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 47 cases of canned cherries, remaining in the original unbroken packages at Salem, Oreg., alleging that the article had been shipped by Young's Market, from Los Angeles, Calif., on or about October 11, 1929, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Hunt's Supreme Quality Pitted Black Cherries * * * Hunt Brothers Packing Company * * * San Francisco, U. S. A."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable or animal substance.

On November 4, 1929, Hunt Bros. Packing Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reconditioned in a manner satisfactory to this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16920. Adulteration and misbranding of butter. U. S. v. 21 Cases of Brookfield Creamery Butter. Product released under bond. (F. & D. No. 23955. I. S. No. 03976. S. No. 2101.)

On July 16, 1929, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 21 cases of creamery butter, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by Swift & Co., from Nashville, Tenn., July 2, 1929, and transported from the State of Tennessee into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Brookfield Pasteurized Creamery Butter * * * Distributed by Swift & Company, U. S. A. General Offices, Chicago."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been mixed and packed with it, so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Butter," borne on the packages containing the said article, was false and misleading and deceived and misled the purchaser in that the said statement represented that the article consisted wholly of butter, whereas it did not but did consist of a product containing less than 80 per cent by weight of milk fat. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, butter.

On August 2, 1929, Swift & Co., having appeared as claimant for the property, a decree was entered ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned in part that it be reworked under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16921. Adulteration of walnut quarters. U. S. v. 60 Cases of Walnut Quarters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24241. I. S. No. 021744. S. No. 2473.)

On November 13, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 60 cases of walnut quarters, remaining in the original and unbroken packages at New York, N. Y., alleging that the article had been imported from Bordeaux, France, on or about February 28, 1929, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a wormy, moldy, rancid, and decomposed vegetable substance, namely, decomposed nuts.

On December 16, 1929, Pandaleon Bros. of New York (Inc.), claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned in part that the product be sorted and the bad portion denatured or destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16922. Adulteration and misbranding of canned oysters. U. S. v. D. E. Foote & Co. (Inc.). *Plea of nolo contendere. Fine, \$30 and costs.* (F. & D. No. 23734. I. S. Nos. 01874, 01875, 02628.)

On October 14, 1929, the United States attorney for the district of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against D. E. Foote & Co. (Inc.), a corporation, trading at Baltimore, Md., alleging shipment by said company, in violation of the food and drugs act as amended, on or about November 20, 1928, from the State of Maryland, in part into the State of Wisconsin, and in part into the State of Pennsylvania, of quantities of canned oysters which were adulterated and misbranded. The article was labeled in part: (Can) "Foote's Best Brand Delicious Fresh Oysters Packed by D. E. Foote & Co., Inc., Baltimore, Md. Contents, 1 Pint."

Adulteration was alleged in the information with respect to a portion of the article for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, and in that a substance, to wit, excessive water, had been substituted in part for oysters which the article purported to be.

Misbranding was alleged for the reason that the statement "Contents, 1 Pint," with respect to all of the product, and the statement "Oysters," with respect to a portion thereof, were false and misleading in that the said statements represented that the cans each contained 1 pint of oysters, and that the said portion consisted wholly of oysters; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans each contained 1 pint of oysters, and that a portion thereof consisted wholly of oysters, whereas the said cans did not contain 1 pint of the article, but did contain a less amount, and the said portion did not consist wholly of oysters, but did consist in part of excessive water. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 14, 1929, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$30 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16923. Adulteration and misbranding of cocoa. U. S. v. 3 Barrels of Cocoa. *Default decree of condemnation, forfeiture, and destruction.* (F. & D. No. 23791. I. S. No. 07333. S. No. 2001.)

On June 4, 1929, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 barrels of cocoa at Miles City, Mont., alleging that the article had been shipped by the Universal Cocoa Products Co., from Chicago, Ill., on or about December 13, 1928, and transported from the State of Illinois into the State of Montana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "York Cocoa from Universal Cocoa Products Company."

It was alleged in the libel that the article was adulterated in that cocoa shell had been mixed and packed with and substituted in part for cocoa powder.

Misbranding was alleged for the reason that the above-described label was false and misleading and was intended to and did deceive and mislead the purchasers thereof.

On September 6, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16924. Adulteration and misbranding of grape juice. U. S. v. 16 Cases, et al., of Grape Juice. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 23923, 23969. I. S. Nos. 09729, 018201. S. Nos. 2177, 2188.)

On August 22, 1929, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 5 cases, quart size, and 88 cases, pint size, of grape juice, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Eckert Fruit Co., in part on or about June 24, 1929, from Tacoma, Wash., and in part on or about August 8, 1929, from Grapeview, Wash., and transported from the State of Washington into the State of Oregon, and charging adulteration with respect to a portion of the article and adulteration and misbranding with respect to the remainder thereof in violation of the food and drugs act as amended. The article was labeled in part: (Bottles) "One Pint Net (or "One Quart Net") Serv-Us Brand Grape Juice * * * Serv-Us Grocery Products Corp'n., Distributors, Buffalo, N. Y."

It was alleged in the libel with respect to a portion of the article that it was adulterated in that a substance, water, had been mixed and packed with and substituted in part for the said article. Adulteration was alleged with respect to the remainder of the said article for the reason that a substance, water, had been mixed and packed with and substituted in part for the article, so as to lower or reduce or injuriously affect its quality or strength. Misbranding was alleged with respect to a portion of the product for the reason that the statements, "Grape Juice," "One Pint," and "One Quart," borne on the labels, were false and misleading and deceived and mislead the purchaser. Misbranding was alleged with respect to the said portion for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated was not correct.

On November 6, 1929, the Eckert Fruit Co., Tacoma, Wash., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of good and sufficient bonds in conformity with section 10 of the act, conditioned in part that it should not be sold or otherwise disposed of until relabeled in a manner satisfactory to this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16925. Adulteration of walnut meats. U. S. v. 3 Cartons of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23660. I. S. No. 07348. S. No. 1900.)

On April 29, 1929, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 cartons of walnut meats at Billings, Mont., alleging that the article had been shipped by Leon Mayer, from Los Angeles, Calif., on or about March 9, 1929, and transported from the State of California into the State of Montana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Mayers California Standard Ambers, 25 Pounds Net When Packed."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 13, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16926—16950

[Approved by the Secretary of Agriculture, Washington, D. C., August 25, 1930]

16926. Misbranding of Frazier's distemper remedy. U. S. v. 3 Dozen Small Size Bottles, et al., of Frazier's Distemper Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23069. I. S. Nos. 02094, 02095. S. No. 1159.)

On September 17, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel praying seizure and condemnation of 3 dozen small size and 2 dozen large size bottles of Frazier's distemper remedy at Chicago, Ill., alleging that the article had been shipped by the Binkley Medical Co., from Nappanee, Ind., July 2, 1928, and transported from the State of Indiana into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of destructively distilled turpentine oil and tar.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the container and in the accompanying circular, were false and fraudulent, since the said article contained no ingredients or combination of ingredients capable of producing the effects claimed: (Carton and bottle label) "Save your Horses * * * Frazier's Distemper Remedy A Safe and Reliable Remedy for the Treatment among Horses of Distemper, Pink-Eye, Influenza, Catarrhal-Fever, Shipping-Fever, Coughs and Colds and other diseases of a similar nature affecting the Nose and Throat of Horses Also Sheep and Dogs * * * For Distemper, Influenza, Pink-Eye, Catarrhal-Fever and Epizootic * * * Distemper Remedy * * * Is absolutely safe for Brood Mares, Stallions and Young Colts, * * * Shipping-Fever, Bronchitis, Heaves, Coughs, Colds and all Nose and Throat diseases, same dose as for Distemper, Preventive 10 to 15 drops on the horse's tongue, and place the same amount in trough. Worms and Kidney Trouble—10 to 20 drops, 3 times a day after feeding, place about 5 drops in ground feed. Distemper in Sheep and Dogs—10 to 20 drops, three times a day;" (booklet) "Frazier's Distemper Remedy the Only National Treatment—Surest and Best for Contagious Diseases * * * Save your Horses * * * Frazier's Distemper Remedy A safe and reliable remedy for the treatment among horses of Influenza, Catarrhal Fever, Shipping Fever, Coughs and Colds and other diseases of a similar nature affecting the Nose and Throat of Horses Also Sheep and Dogs. * * * this booklet * * * is arranged so that the common diseases may be known by their signs and symptoms and the Remedy applied quickly and effectively. The most stubborn diseases, that can not be reached by the old system of doctoring horses, are forced to yield to Frazier's Distemper Remedy * * * 'Frazier's' is absolutely safe and perfectly reliable and quick in its action. Frazier's Distemper Remedy has been used with remarkable success for forty years. Its results are Guaranteed * * * Distemper, Influenza, etc. * * * Distemper or Strangles * * *

It can be prevented, checked and promptly relieved by the use of 'Frazier's' * * * In nursing all cases of Distemper, Influenza, Pink Eye and Epizootic * * * As soon as possible give one teaspoonful of 'Frazier's' * * * In the early stage, one to six doses of 'Frazier's' will check its progress, and restore the horse to a healthy condition, without formation of a tumor under the jaw. * * * Cough-Chronic * * * Worms * * * Give one teaspoonful 'Frazier's' after feeding each evening, for one week, stop two days and continue as before * * * Influenza * * * Treatment-Begin as early as possible with Frazier's Distemper Remedy * * * Frazier's Distemper Remedy is a good tonic to be given twice a day for four or five days in case of loss of appetite. * * * Care in nursing distemper and influenza * * * The earlier the treatment is begun the more easily does the medicine take effect and the more quickly will the horse be ready for use. Prevention-Ten to fifteen drops placed on the horse's tongue and the same amount in the trough with feed. Treat all horses in stable where there is one case of contagious or infectious disease. It should be given upon the first appearance of Distemper, Influenza and all Catarrhal diseases in the community. * * * Your Frazier's Distemper Remedy is great, it knocks the distemper out of a colt in two to four days. Pink Eye and Epizootic * * * Treatment-Same as for Distemper. A few years ago, when nearly every horse in the country had this disease, hundreds were either not treated at all or improperly treated, and consequently many were left in a bad condition, which they did not outgrow for months, and others died for want of proper treatment. Wherever 'Frazier's' was used the disease was entirely Cured or Prevented. La Grippe and Coughs among People. 'Frazier's' has been used successfully in the treatment of Colds, Coughs, Asthma and La Grippe among the human race. We have hundreds of testimonials from people who have used this remedy with satisfactory results, 2 to 8 drops placed on sugar, is the dose for persons, depending on age. * * * Do you know that you have the best Cough Remedy for human kind ever known. It also will cure La Grippe if taken in time. I have given it to my children from the baby up to the oldest child. I have cured La Grippe with myself in three doses, by taking from 5 to 7 drops once a day for three days. I often thought I would write you my experience with this remedy, but neglected it all the while. I also obtained relief for Catarrh by using 'Frazier's.' * * * Distemper in dogs * * * give at once 15 to 20 drops of Frazier's Distemper Remedy morning and evening after meals, give animals exposed the same amount, 2 to 6 drops for puppies. The large breed of dogs require the larger dose, as the case may require; the dose may be diminished in size as well as in number, * * * Use a small wooden paddle to place the remedy on the tongue. Fowls stricken with cholera * * * Since prevention is much easier than cure in this as in others, no better remedy may be found for this purpose than Frazier's Distemper Remedy. Thousands testify to its great value. Treatment-As a preventive it should be given in a bran mash, proportioned at one teaspoonful to one dozen fowls once a day. In aggravated cases where the fowl will not eat, four or five drops may be placed upon the fowl's tongue morning and evening. Sheep Distemper or Snuffles * * * Coughs, Colds and Catarrh * * * Prevention is much more satisfactory than cure. Give the entire flock, during the winter and Spring months, one or two doses each week, Frazier's will pay you, as it has hundreds of sheep owners. * * * Why we guarantee Frazier's Distemper Remedy * * * When we started to put Frazier's Distemper Remedy on the Market * * * We made it so good that many who bought it gladly recommended it to others. * * * I have used several distemper cures, but I like your 'Frazier's' the best. * * * Frazier's Distemper Remedy has proven so satisfactory that I keep a supply in my stable for instant use. * * * Have used Frazier's Distemper Remedy with great success in treating cases of distemper, coughs and colds. * * * I have 50 head of horses in my care, twelve of them took Distemper in its worst form, in one week after using 'Frazier's,' all of them were well and ready for driving. I prevented the other 38 head from taking the disease by its use. * * * I have used 'Frazier's' with good results. It is certainly a great remedy. * * * I handle 'Frazier's' and have every confidence in the efficiency of the remedy. It is the only real remedy that I have ever known for distemper, also a certain preventive as well. * * * The use of your Frazier's Distemper Remedy has stood every test I have placed upon it to cure or prevent Distemper, Pink Eye, Shipping, etc. * * * I have used your Frazier's Distemper Remedy on a mare and colt that had the Pink-Eye, cured both cases with-

in a few days, brought [bred] the mare back. I do not want to get out of this remedy. * * * My father used Frazier's Distemper Remedy * * * I have been dealing in horses and I never saw a case it did not cure, and would advise any and all of my friends to use it. * * * Just a few days ago he took the distemper before I knew that he had been exposed and was running at one nostril and before the night the other nostril. It was then the Good Old Frazier's Distemper Remedy was given a fair trial, and it beat all remedies I ever tried. In three days or less time he was well. * * * Frazier's Distemper Remedy * * * It prevented my horses from having the distemper, when they were running with other horses about dead with it. I will recommend it to any one as a great remedy for the Distemper, Coughs and Colds among horses. * * * Some months ago our Mr. Geo. Moore tried a small size bottle of your Frazier's Distemper Remedy and found the same satisfactory. * * * This unparalleled Success Suggests a Few Facts Which Have Made Such Results Possible Frazier's Distemper Remedy is a remedy of proved merit. It has been used with remarkable success for a quarter of a century. * * * I am well pleased with 'Frazier's' Have given it a thorough trial on poultry with Cholera, hogs with Influenza, mule and a calf with Distemper, and find it a cure for all three of the above diseases. * * * I want to let you know what 'Frazier's' did for my three head of horses with Distemper. One was a three months' old colt. I went to my druggist for a remedy. He said: Try Frazier's; it is guaranteed, and the only one that I can back up. I bought one large bottle. It was no time until they were entirely recovered. I never thought the colt could recover. I keep a bottle constantly on hand. It sure does the work. * * * Frazier's. We find it the best remedy we ever used for Distemper, Coughs and Colds."

On March 19, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16927. Misbranding of Antikamnia and codeine tablets. U. S. v. 22 Dozen Packages of Antikamnia and Codeine Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23493. I. S. No. 05295. S. No. 1554.)

On March 11, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 22 dozen packages of Antikamnia and codeine tablets at Chicago, Ill., alleging that the article had been shipped by the Antikamnia Remedy Co., from St. Louis, Mo., November 22, 1928, and transported from the State of Missouri into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetanilide (2.88 grains per tablet), caffeine, sodium bicarbonate, and a small amount of codeine.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article appearing in the labeling, (display carton) "For Coughs * * * La Grippe, Rheumatism, etc. * * * For * * * Neuralgia, Women's Aches and Ills, etc. * * * For * * * Neuralgia * * * Rheumatism," (bottom of tin container) "For * * * Neuralgias * * * Menstruation Pains," (envelope) "Useful in * * * Neuralgias * * * etc.," and (circular) "For * * * Neuralgia, Insomnia, LaGrippe * * * Coughs," were false and fraudulent in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of such purchasers the impression and belief that it contained ingredients or medicinal agents effective as a remedy for the diseases, ailments, and afflictions mentioned therein. Misbranding was alleged for the further reason that the statement borne on the carton, "Codeine," was false and misleading.

On April 24, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16928. Adulteration of tincture aconite, tincture nux vomica, tincture opium, fluid extract ergot, strychnine sulphate tablets, and quinine sulphate tablets. U. S. v. The Blue Line Chemical Co. Plea of nolo contendere. Fine, \$200. (F. & D. No. 22596. I. S. Nos. 19137-x, 19139-x, 19140-x, 19149-x, 23852-x, 23853-x, 23855-x, 23867-x.)

On April 12, 1929, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Blue Line Chemical Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about September 7, 1927, from the State of Missouri into the State of Louisiana, of quantities of tincture aconite, tincture nux vomica, tincture opium, and strychnine sulphate tablets, and on or about March 8, 1928, from the State of Missouri into the State of Ohio, of quantities of fluid extract ergot, tincture nux vomica, tincture aconite, and quinine sulphate tablets, which said articles were adulterated. The articles were labeled in part, respectively: "Tincture Aconite U. S. P. * * * Standard—0.045 gm. to 0.055 gm. Ether Soluble Alkaloids per 100 c. c. * * * The Blue Line Chemical Co. St. Louis;" "Tincture Nux Vomica U. S. P. * * * One hundred mls of this tincture yields not less than 0.247 grams, nor more than 0.263 grams of the alkaloids of nux vomica * * * The Blue Line Chemical Co. St. Louis;" "Tincture Opium U. S. P. Standardized (Laudanum) * * * Represents in one fluid ounce; Opium, Granulated 45.6 grs. Standard—0.95 gm. to 1.05 gm. anhydrous morphine per 100 c. c. * * * The Blue Line Chemical Co. St. Louis;" "Fluid Extract Ergot U. S. P. Physiologically Tested * * * The Blue Line Chemical Co. * * * St. Louis;" "Tablet Triturates Strychnine Sulphate * * * Each Tablet Represents Strychnine Sulphate 1/60 gr. * * * The Blue Line Chemical Co. St. Louis;" "Quinine Sulphate Tablets * * * 2 Grains * * * The Blue Line Chemical Co. St. Louis."

Adulteration was alleged in the information with respect to the tincture aconite, tincture nux vomica, tincture opium, and fluid extract ergot for the reason that they were sold under and by names recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopœia official at the time of the investigation as follows: The minimum lethal dose of the said tincture aconite contained (was) more than 0.00045 cubic centimeter for each gram body weight of guinea pig, to wit, more than 0.002 cubic centimeter for each gram of body weight of guinea pig, whereas said pharmacopœia provides that tincture aconite, when administered subcutaneously to guinea pigs, shall have a minimum lethal dose of not more than 0.00045 cubic centimeter for each gram of body weight of guinea pig; the said tincture nux vomica yielded less than 0.237 gram of the alkaloids of nux vomica per 100 cubic centimeters, the two lots of the article yielding not more than 0.197 gram and 0.183 gram, respectively, of the alkaloids of nux vomica per 100 cubic centimeters, whereas said pharmacopœia provides that tincture nux vomica shall yield not less than 0.237 gram of the alkaloids of nux vomica per 100 cubic centimeters; the said tincture opium yielded less than 0.95 gram of anhydrous morphine per 100 cubic centimeters, to wit, not more than 0.7318 gram of anhydrous morphine per 100 cubic centimeters, whereas said pharmacopœia provides that tincture opium yield not less than 0.95 gram of anhydrous morphine per 100 cubic centimeters; the said fluid extract ergot required more than 0.5 cubic centimeter for each kilogram of body weight of cock to produce a darkening of the comb, to wit, 2 cubic centimeters for each kilogram of body weight of cock, whereas said pharmacopœia provides that fluid extract of ergot administered by intramuscular injection to single comb, white leghorn cocks in doses not exceeding 0.5 cubic centimeter for each kilogram of body weight of cock shall produce a darkening of the comb, corresponding in intensity to that caused by the same dose of the standard fluid extract of ergot; and the standard of strength, quality, and purity of the said articles was not declared on the respective containers thereof. Adulteration was alleged with respect to all of the products for the reason that the strength and purity of the articles fell below the professed standard and quality under which they were sold in that each 100 cubic centimeters of the said tincture aconite was represented to contain not less than 0.045 gram of ether soluble alkaloids of aconite, whereas it contained less, to wit, not more than 0.0182 gram of ether soluble alkaloids of aconite per 100 cubic centimeters; the tincture nux vomica was represented to yield not less than 0.247 gram of the alkaloids of nux vomica per 100 mls, whereas it yielded less, to wit, the two lots of the said article yielding not

more than 0.197 gram and 0.183 gram, respectively, of the alkaloids of nuxvomica per 100 mils; the said tincture opium was represented to contain not less than 0.95 gram of anhydrous morphine per 100 cubic centimeters, and that each fluid ounce of the article contained 45.6 grains of granulated opium, whereas the article contained less than 0.95 gram of anhydrous morphine per 100 cubic centimeters, to wit, not more than 0.7318 gram of anhydrous morphine per 100 cubic centimeters and each fluid ounce of the article contained less than 45.6 grains of granulated opium, to wit, not more than 34 grains of granulated opium per fluid ounce; the said fluid extract ergot was represented to be fluid extract ergot, U. S. P., physiologically tested, whereas it was not fluid extract ergot which conformed to the test of the United States Pharmacopeia; the said strychnine sulphate tablets were represented to contain one-sixtieth of a grain each of strychnine sulphate, whereas each of said tablets contained less than one-sixtieth grain of strychnine sulphate, to wit, not more than 0.0129 grain of strychnine sulphate; and the said quinine sulphate tablets were represented to contain 2 grains each of quinine sulphate, whereas each of said tablets contained less than 2 grains of quinine sulphate, to wit, not more than 1.368 grains of quinine sulphate.

On October 22, 1929, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16929. Misbranding of menthol inhaler. U. S. v. 26 Dozen Menthol Inhaler. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24087. I. S. No. 022483. S. No. 2345.)

On October 1, 1929, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 26 dozen menthol inhaler at San Juan, P. R., alleging that the article was in possession of the Drug Co. of Porto Rico (Inc.), San Juan, P. R., and was being sold and offered for sale in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of menthol.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed: "Relieves Asthma, Hay Fever, Neuralgia, Catarrh, Influenza, Headache, Etc."

On November 6, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16930. Misbranding of Gauvin's headache wafers. U. S. v. 5½ Dozen Packages of Gauvin's Headache Wafers. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23623. I. S. No. 05832. S. No. 1793.)

On April 12, 1929, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying seizure and condemnation of 5½ dozen packages of Gauvin's headache wafers, remaining in the original unbroken packages at Portland, Me., consigned by J. A. E. Gauvin, Lowell, Mass., alleging that the article had been shipped from Lowell, Mass., on or about March 4, 1929, and transported from the State of Massachusetts into the State of Maine, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the wafers contained acetanilide and sodium bicarbonate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article appearing in the labeling were false and fraudulent, since the article contained no ingredients or combination of ingredients capable of producing the effects claimed: (Carton) "For * * * Neuralgia, Grippe, * * * Nervousness caused by overwork. * * * If relief does not follow, repeat the dose in 20 minutes. In severe cases such as Grippe, take one wafer every 3 hours." (Similar statements in French.)

On August 6, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16931. Adulteration and misbranding of Dakol (nasal cream). U. S. v. 9½ Dozen Packages of Dakol. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 23991. I. S. No. 011609 S. No. 2266.)

On September 6, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9½ dozen packages of Dakol (nasal cream), remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the New Haven Laboratories (Inc.), from New Haven, Conn., July 1, 1929, and transported from the State of Connecticut into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum, chloramine-T (0.25 per cent), volatile oils including menthol, and a small amount of a saponifiable fat. Bacteriological examination showed that the product was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (tube) "Antiseptic," whereas the strength of said article fell below such professed standard.

Misbranding was alleged for the reason that the statements, (tube) "Antiseptic" and (carton containing tube) "Coat tip on tube with Dakol-to Antisepticize," were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, borne on the tube and carton, were false and fraudulent in that the said article contained no ingredients or combination of ingredients capable of producing the effects claimed: (Tube) "For * * * relief of * * * Catarrh, * * * Bronchitis, Whooping Cough, Hay Fever, Sore Throat, Asthma. * * * To Prevent nose and throat infection. Squeeze * * * Dakol on * * * finger * * * into each nostril;" (carton) "For the relief of * * * Bronchitis; Catarrh, Whooping Cough, Hay Fever, Sore Throat and Asthma. For the prevention of contagious diseases contracted through nose and throat. * * * Insert tip * * * into nostril * * * pinch tube and draw deep, long breath through nose until Dakol reaches the throat."

On November 5, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16932. Adulteration and misbranding of ether. U. S. v. One Hundred and Ninety ¼-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24234. I. S. No. 03930. S. No. 2482.)

On November 9, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of one hundred and ninety ¼-pound cans of ether, remaining in the original unbroken packages at Bristol, Pa., consigned by the Bayway Terminal (for the Harold Surgical Corporation) from Elizabeth, N. J., alleging that the article had been shipped from Elizabeth, N. J., on or about September 10, 1929, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that the ether contained aldehyde and excess acidity.

It was alleged in the libel that the article was adulterated in that it differed from the standard of purity prescribed by the United States Pharmacopoeia, and its own standard was stated on the label. (The adulteration charges recommended by this department were: The article was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of purity as prescribed by that authority; its own standard was not stated on the

label; the article fell below the professed standard under which it was sold, namely, "It is superior in vital respects to the ether of the U. S. P.")

Misbranding was alleged for the reason that the following statements appearing on the said cans, "The best that can be made for anesthesia" and "It is superior in vital respects to the ether of the U. S. P.," were false and misleading.

On December 10, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16933. Adulteration and misbranding of tablets Bacillus bulgaricus. U. S. v. 1½ Dozen Packages of Tablets Bacillus Bulgaricus. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23331. I. S. No. 05069. S. No. 1458.)

On January 15, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1½ dozen packages of tablets Bacillus bulgaricus at Chicago, Ill., alleging that the article had been shipped by Fairchild Bros. & Foster, from New York, N. Y., December 8, 1928, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Examination of samples of the article by this department showed that the tablets contained not more than 6,500 lactobacilli per tablet and were grossly contaminated with spore-forming bacteria.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, in that it was sold under the following standard, "Tablet of the Bacillus Bulgaricus," and "Contains the true bacillus Bulgaricus * * * preserved in a stable, potent form," which standard represented that each tablet of the article contained organisms in sufficient number to be efficacious in the treatment of disease, or the prevention thereof, whereas it failed to contain organisms in sufficient numbers per tablet to be efficacious in the treatment of disease or the prevention thereof.

Misbranding was alleged for the reason that the following statements regarding the curative or therapeutic effects of the said article, borne on the containers and in the accompanying circular, (carton) "Tablet of the Bacillus Bulgaricus. Contains the true bacillus Bulgaricus * * * preserved in a stable potent form." (circular) "Tablet of the Bacillus Bulgaricus. Contains the true bacillus Bulgaricus * * * conserved in a stable form. * * * It is rigidly standardized, potency guaranteed for the time stamped upon the label," and (glass vials) "Tablet of the Bacillus Bulgaricus," were false and fraudulent. The charge recommended by this department was that the article was misbranded in violation of section 8 of the act, general paragraph, which provides that all drugs, the package or label of which bear any statement, design, or device regarding the article, or the ingredients or substances contained therein, which are false or misleading in any particular, shall be deemed misbranded within the meaning of the act.

On April 18, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16934. Misbranding of Allenru. U. S. v. 138 Bottles of Allenru. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23342. S. No. 1459.)

On or about January 28, 1929, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 138 bottles of Allenru, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Theo. Erlin & Co., from San Francisco, Calif., on or about June 2, 1928, and transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium sulphate, sodium phosphate, small amounts of sodium salicylate and free acid, and water flavored with licorice and methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "For Rheumatic Aches and Pains When Not Due to Infection. Has been Found Helpful in Lumbago, Sciatica, Neuralgia and Neuritis;" (blown in bottle) "For Rheumatic Aches and Pains;" (carton, English and foreign languages) "An Advanced and Improved Preparation For the Treatment of Acute Rheumatism, Lumbago, Rheumatic Neuritis;" (circular) "When you want to get rid of Rheumatism (Not caused by Infection) * * * Allenrhu Will help you correct this * * * Is your rheumatism caused by infection? * * * The man or woman who has acute rheumatism is the person most concerned with getting rid of it. How to get rid of the pain, the swelling, the inflammation, the agony, and how to prevent its returning after it is apparently conquered is what the sufferer wants to know. There are a few common sense, very simple rules to follow if rheumatism is to be driven out of the system. If these rules are followed when Allenrhu is being taken, the chances of overcoming this trouble in a shorter period of time is enhanced. Allenrhu is a medicine compounded in such a manner that experience of years shows that it has a helpful influence over acute rheumatism * * * Many rheumatic sufferers are sad and depressed and it is hard to blame them for it. * * * It isn't absolutely necessary to follow these rules when taking Allenrhu and very few people do follow them, but right living helps, as every doctor will tell you, and if you can shorten the duration of the attack by doing all you can to help, it is, of course, for your own good. * * * As a general rule Allenrhu (liquid) will be found sufficient for all ordinary cases of acute Rheumatism."

On March 27, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16935. Misbranding of Ak-No-Mor. U. S. v. 30 Packages, et al., of Ak-No-Mor. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23429. I. S. No. 07931. S. No. 1592.)

On or about February 20, 1929, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 packages of large cartons, and 60 packages of small cartons, of Ak-No-Mor, remaining in the original unbroken packages at Wilmington, Del., consigned about January 18, 1929, alleging that the article had been shipped by A. G. Luebert, from Coatesville, Pa., and transported from the State of Pennsylvania into the State of Delaware, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the capsules contained acetphenetidin, 3 grains per capsule, acetylsalicylic acid, and a small amount of caffeine.

It was alleged in the libel that the article was misbranded in that the statement (leaflet) "They are an Effective and Harmless substitute for Narcotics and contain No Harmful drugs," was false and misleading. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity and proportion of acetphenetidin, a derivative of acetanilide contained therein, since the declaration was inconspicuous and did not include a statement to the effect that acetphenetidin is a derivative of acetanilide. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent in that it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Ak-No-Mor, The Great Pain Expeller, for * * * Neuralgia, Faceache, Toothache, Grippe * * * Lumbago, Gout, Sciatica * * * Neuritis and all aches and pains of any nature * * * Neuralgia in all its forms, especially Toothache * * * will disappear after taking one or two * * * Ak-No-More Capsules * * * Ak-No-Mor (Pronounced Ache No More);" (leaflet) "Ak-No-Mor Capsules * * * for Flu Grip * * * Fever. When one is suffering with chills, backache * * * hot or cold flashes sore throat * * * difficult breathing, troublesome hacking cough or any other symptoms of 'Flu' Proceed as follows: Place one Ak-No-Mor Capsule on the tongue and swallow with a half-glass of water in which a level quarter teaspoonful of pure Bicar-

bonate of Soda has been dissolved. Repeat this dose in one-half hour and then continue regularly as above every three hours until well. If the chest is sore and there is coughing, a good sweat will do a world of good. Just before retiring take an Ak-No-Mor Capsule as directed above. * * * Remember Ak-No-Mor Capsules Relieve Pain Anywhere at Any Time. They are an effective and Harmless substitute for Narcotics;" (circular) "Ak-No-Mor Capsules (pronounced Ache No More) The Great Pain Expeller—Gives Immediate Relief. A reliable and efficient remedy for * * * Neuralgia, Toothache, Earache, * * * Grip, Lumbago, Sciatica, Neuritis, Acute Rheumatism, Periodic Pains, * * * Nerve Pains, such as neuralgia of the head, face, neck or back, are almost instantly stopped. Toothache—Pain from decayed teeth is held in subjection until you can get attention from your Dentist. * * * Woman's Ills—Quickly and safely relieve menstrual pain and distress. Ak-No-Mor Capsules will relieve the pain in one-half to one hour. Especially valuable to stenographers, clerks, salesladies and those who have to continue with their work in these trying times. One capsule taken with a glass of water and repeated in a half hour, if needed, will usually stop all distress. * * * Rheumatic Pains and Neuritis * * * Grip and Sore Throat will also respond quickly to the same directions recommended for Rheumatic Pains. * * * Special Directions for Acid Stomachs—The action of Ak-No-Mor Capsules varies with different people. Those having a very acid condition of the stomach we advise taking Ak-No-Mor Capsules with a full glass of water in which a level half teaspoonful of Bicarbonate of Soda has been dissolved. This prevents uneasiness."

On June 10, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16936. Misbranding of Sargon. U. S. v. 869 Dozen Bottles of Sargon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23977. I. S. No. 09259. S. No. 2216.)

On September 4, 1929, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 869 dozen bottles of Sargon at Cedar Rapids, Iowa, alleging that the article had been shipped by the Sargon Laboratories, from Dayton, Ohio, on or about June 11, 1929, and transported from the State of Ohio into the State of Iowa, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium citrate, caffeine, small amounts of an iron compound, a bitter drug, extract of ox gall, glycerin, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle and carton label and in the accompanying booklet, regarding the curative or therapeutic effects of the article, were false and fraudulent in that the said article contained no ingredients or combination of ingredients capable of producing the effects claimed: (Bottle label and carton) "A Treatment designed to build up deficient metabolism, restore the haemoglobin of the blood to normal, stimulate the action of the liver and gall bladder, promote glandular activity, and thereby increase bodily vigor and well being;" (carton only) "Stimulates the Liver and Bile Flow * * * Promotes Glandular Activity;" (booklet) "Sargon is a tonic regulator * * * Sargon exerts its tonic influence principally, either directly or indirectly, upon the liver, the blood and the endocrine glands. It is now known that aiding nature to repair and strengthen these organs and fluids when weakened or run down by diseased conditions, plays a vastly important part in relieving dyspepsia, indigestion, sour stomach, heartburn, gas, constipation, headache, dizziness, and loss of appetite, due to deficient bile preparation, impoverished blood, or subnormal glandular activity. Science now recognizes that a majority of all persons suffering with the above troubles owe their condition to a sluggish liver, impoverished blood, or subnormal glandular activity. * * * Scientific investigators learned that probably seven out of ten persons past thirty years old suffer from insufficient bile flow, or biliousness, caused by a sluggish liver. They found that insufficient bile flow causes indigestion, gas on the stomach, overacidity, constipation, heartburn, sensation of fullness or weight in the stomach, headache, coated tongue, bad breath,

dizziness, and general physical and mental depression. There was therefore a great and immediate need for a substance which would really stimulate a torpid liver. At last a substance was discovered which effectively stimulates a sluggish liver to increase its production of bile. Sargon contains this substance, which an international authority has recently described as 'The most powerful stimulant to the secretory (bile producing) activity of the liver which we possess.' Persons suffering from torpid liver, or biliousness, should find in Sargon an invaluable aid in correcting this condition. In most cases, Sargon should be taken regularly three times a day for a period of thirty days. In many cases of long standing its use should be continued over a longer period. * * * while a definite increase in blood sugar has long been considered as indicating Diabetes. It is now known that in many such cases the trouble has its root in failure of proper liver action. * * * The modern man * * * eats improper foods, and too much of one kind and not enough of another. Certain chemical elements are as essential as food. Normally man obtains these elements from his food. However, many foods are deficient in their supply of materials. Furthermore, impaired digestion or assimilation often prevents the delivery of these all important elements to the blood stream for distribution throughout the body. Nutrition, health, intelligence and happiness often hang in the balance for the want of these essential substances. When they are lacking the whole system goes wrong. Without them it is impossible to enjoy a sense of well being and comfort and the accompanying temperament and outlook upon life. Importance of Haemoglobin: No man or woman can enjoy normal health if the haemoglobin of the blood is deficient. Haemoglobin is the oxygen carrying agent of the blood. It is found in and is a part of the red blood-corpuscle. Deficiency of haemoglobin is, broadly speaking, an impoverished condition of the blood. Among its symptoms are paleness of the skin, headache, nervousness, poor circulation and generally run down condition. A series of investigations have been made to find an effective medicine to aid in building up and strengthening impoverished blood. Rich, healthy blood was analyzed to find just what chemical elements it contained. Impoverished blood was also examined to determine the exact chemical difference between it and normal blood. Impoverished blood was found to be deficient in haemoglobin, which is a part of the red blood-corpuscle; it was also found to possess low anti-toxic (germ and poison-combating) powers. It was discovered that a certain substance constitutes the major part of haemoglobin. It was also found that when this substance is given to people with impoverished blood it often helps nature build up haemoglobin. Another material was also found which, when given in small doses, quickly aids in building up this disease-resisting power of the blood. Contained in Sargon. These two widely separated and vastly different substances, the Sargon chemists have succeeded in combining. With them they have employed a pure bitter tonic to improve the condition of the gastric mucous membrane and stimulate the * * * kidney secretions. It will, therefore, be seen that in addition to stimulating the liver and increasing bile production, Sargon also supplies an element essential to the production of haemoglobin, and is also a valuable aid in building up the germ and poison-combating power of the blood, and improving digestion and assimilation. Glandular Activity. A highly important feature of the endocrine glands is, that taken all together, they form a network of system, sending certain combinations of chemicals into the blood which are invaluable in maintaining the normal person in proper mental and physical balance. Varying degrees of glandular activity are evidenced in the people we see around us every day. * * * The glands occupy a position of paramount importance in the make-up of man. Should they fail to supply a sufficient amount of secretions, the individual becomes fat, lazy, sluggish and dull. The features of an individual suffering from glandular deficiency are not alert and keen. Placed in a situation in which quick thinking and prompt action are vital, such an individual suffers a great handicap. The instinct of self-preservation has not that strong, impetuous, driving, fighting, physical backing possessed by the normal individual. Deficiency of glandular secretions is reflected in poor memory, irritability, melancholia, constipation, lack of perspiration. It has further been observed that decaying teeth, and supposed chronic articular rheumatism and muscular rheumatism, were often due to deficient gland secretions. In Sargon there is an ingredient which modern science has recently learned is essential to gland secretions. Normally the individual secures it from food consumed, However, many foods are

deficient in their supply of this material. Furthermore, in many cases, impaired digestion and assimilation prevents its delivery to the blood stream. Sargon is intended to aid in supplying this all-important substance, so that deficiency of gland secretions may be corrected."

On September 25, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16937. Adulteration and misbranding of Hygem. U. S. v. 11 Bottles, et al., of Hygem. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23904, 23905. I. S. Nos. 03508, 03750. S. Nos. 1962, 1963.)

On August 1, 1929, and August 2, 1929, respectively, the United States attorneys for the Southern District of New York, and the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Courts of the United States for said districts libels praying seizure and condemnation of 22 bottles of Hygem, remaining in the original unbroken packages, in part at New York, N. Y., and in part at Brooklyn, N. Y., alleging that the article had been shipped by the Vita-Bac Corporation (Bloomfield Laboratories), from Bloomfield, N. J., in two consignments on or about June 11, 1929, and June 14, 1929, respectively, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of an emulsion of mineral oil, a small amount of casein-like material and water flavored with peppermint oil. Bacteriological examination showed that the article contained no viable acidophilus bacilli.

It was alleged in the libels that the article was adulterated in that it was sold under the following standard of strength, (carton and bottle label) "The Mineral Oil Emulsion with Acidophilus," whereas the strength of the said article fell below such professed standard.

Misbranding was alleged for the reason that the following statement borne on the carton and bottle label, "The Mineral Oil Emulsion With Acidophilus," was false and misleading. Misbranding was alleged for the further reason that the following statements appearing on the bottle and carton labels and in the accompanying booklet regarding the curative and therapeutic effects of the article were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle labels) "For intestinal hygiene and any stomach or digestive disorder, such as constipation, auto-intoxication, indigestion and the like;" (booklet entitled "Intestinal Hygiene") "Consider that the average body will produce upward of six trillion bacteria per day, and further, that the source of the main supply or development is from the 'power plant,' that is the digestive tract and eliminative system. Already you begin to appreciate the tremendous importance of deciding whether the health damaging bacteria is to be permitted to accumulate and multiply in Your organism or be expelled from their breeding ground through regular and healthy elimination. The best medical minds are agreed that practically every disease has its inception in the intestines. Proof of the wisdom of the theory is abundant. * * * the organs * * * the most important of which * * * is the digestive tract, the stomach and bowels—the power unit from which is derived the force and power so necessary * * * The problem should be * * * a preventive one. Adequate elimination seems to be the great demand of the times, * * * If regular and complete expulsion does not take place, this waste, which now causes congestion, becomes an ideal breeding place for countless numbers of bacteria which we are constantly taking in with our food, or developing within our systems, and the toxins (poisons) generated by them are also absorbed through the walls of the intestines into the blood. This is the beginning of the endless chain of diseases which afflict the body—the beginning of untold distress. The accumulation of waste matter in the colon is present in practically everyone, due to our mode of living, inadequacy of exercise, improper diet, etc. When one thoroughly understands the primary cause for many of our bodily ailments, it is easy to appreciate what is occurring in the body's 'power plant' as vigor is lost and in its stead sluggishness developed, why so many of us as we reach middle age begin to develop hardening of the arteries, heart trouble, premature senility and many other forms of bodily disability. Practically

all of these diseases, which disturb health and happiness, have their root in the power plant. To supply a corrective for congestion within the 'power plant,' with resultant putrefaction and absorption of toxin (poisons) by the blood, 'Hygem' is the last and logical scientific development * * * Not only is 'Hygem' a corrective but its judicious use will enable any intelligent person to apply preventive principles in keeping the 'power plant' in highly efficient condition. If 'Hygem' will * * * cleanse the 'power plant' * * * also destroy the dangerous bacteria in the semi-fluid mass that passes through the system * * * How * * * does 'Hygem' destroy the dangerous bacteria that thrives within the 'power plant'? * * * it does it in two ways: First, by removing their food supply which consists of waste food matter from which the body-building elements have been extracted; and secondly by creating a chemical condition in which the harmful putrefactive bacteria cannot exist—thereby creating * * * sterile condition in your 'power plant' * * * What effect will this sterilized condition of the alimentary tract have on my health? It is a fact recognized by the medical profession that practically all human ills have their inception in the intestines. This can be understood when it is realized that the normal production of micro-organisms in the average individual may reach a total of several trillion per day, the majority of which are of a distinctly harmful type which live on the accumulated wastes in the intestines and which produce toxic poisons which are in turn taken up by the blood and carried to all parts of the body. Many of these germs are also taken up by the blood stream and carried to all parts of the body. When the stomach and intestines are kept in a sterile condition, the blood becomes vigorous, the glands function normally and we find ourselves in a condition of perfect health. In that condition, one is practically immune from sickness. It will, therefore, be apparent that 'Hygem' can be advantageously used as an adjunct in the treatment of any disease and as a remedy for any disturbance which has its beginning in the digestive system. * * * Will 'Hygem' benefit one who is in good health? * * * Slight variation in food supply, indiscretions in the selection of food, slight changes in the quality of food stuffs caused by seasonal conditions and the like, tend sooner or later, to cause us to lose our physical equilibrium. * * * when one makes it a fixed habit to practice intestinal hygiene, these changes or indiscretions have no harmful effect because they are promptly corrected within the body through the normal functions of the eliminative organs. It is a fact recognized by authorities that the regular, periodical consumption of a viable culture of lactobacillus will add years to the life of an individual, will make their days happier and more productive and develop all through life a healthier physical condition. 'Hygem' will do all this * * * if the fundamental hygiene information given in this booklet is conscientiously applied, one will quickly develop the practice of intestinal hygiene and a marked improvement in wellbeing will be realized. You can use no better means of developing and maintaining a clean and sterile condition within the body 'power plant' than 'Hygem.' With these fundamental facts on intestinal hygiene before you, and not only a corrective but a preventive of inefficiencies within the 'power plant' which lead to untold disease and discomfiture, at your disposal, all that is now necessary is the cultivation and exercising of a fixed habit of practicing intestinal hygiene. The rewards which follow are so wonderful as to transcend in importance practically everything else one can realize in life—good health. With good health man is a thinking and working creature, an efficient mortal—practically master of all he surveys."

On August 27, 1929, and September 4, 1929, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16938. Misbranding of Now. U. S. v. 20 Dozen Bottles of Now. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23504. I. S. No. 0959. S. No. 1699.)

On March 11, 1929, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 dozen bottles of Now, remaining in the original unbroken packages at Dallas, Tex., consigned by R. D. Coulson, Indianapolis, Ind., alleging that the article had been shipped from Indianapolis, Ind., on or about February

9, 1929, and transported from the State of Indiana into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of small amounts of menthol, camphor, oil of eucalyptus and glycyrrhiza, alcohol, glycerin, and water.

The article was labeled in part: (Bottle) "For Coughs * * * Croup, Flu, Pneumonia, Hay Fever, Asthma, Scinitus, Catarrh, etc.;" (carton) "Stop That Cough * * * Hay Fever Sufferers Do not Hesitate—Get it now—You Shall Know For Coughs, * * * Croup, Flu, Pneumonia, Bronchitis, Tuberculosis, Hay Fever, Asthma, Scinitus, Catarrh, Laryngitis. * * * Aids Digestion;" (circular around each bottle) "Cough Sedative * * * for * * * Coughs * * * Croup, Whooping Cough, Pneumonia, Flu, Hay Fever, Sinus Infection, Asthma, Catarrh and all troubles arising from the nasal and respiratory tract. * * * Now * * * need only be taken in small doses in order to give results * * * when a few drops of Now comes in direct contact with the affected parts covering the whole of the respiratory tract, * * * to get a little of the actual medicinal properties. Now penetrates the affected parts * * * thereby * * * healing * * * the affected tissues and mucus membrane. The * * * results * * * and * * * relief is the mother of the name it bears—Now. * * * it requires only a small amount to produce results, * * * is * * * reliable * * * For * * * Coughs * * * Croup and Whooping Cough * * * inhale the fumes, * * * in order to get full benefit of the vapor * * * Clogged Head, Hay Fever, Asthma, Sinus Infection * * * Pneumonia or Flu * * * It penetrates. * * * Catarrh * * * use on cotton in nostril, or as an inhalant, according to severity of case and area covered. * * * Hoarseness * * * healing benefits;" (carton) "25% Alcohol."

It was alleged in the libel that the article was misbranded in that the above-quoted statements regarding the curative and therapeutic qualities of the said article, borne on the bottle and carton labels and in the accompanying circular, were false and fraudulent, since the said article contained no ingredients or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the article was labeled, "25% Alcohol," whereas it contained only 17.8 per cent of alcohol by volume.

On May 6, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16939. Misbranding of Walker's Old Indian fever tonic. U. S. v. 18 Bottles of Walker's Old Indian Fever Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23900. I. S. No. 03980. S. No. 2107.)

On or about July 31, 1929, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 bottles of Walker's Old Indian fever tonic, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by Bostwick Bros., from Atlanta, Ga., on or about June 25, 1929, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of the sample of the article by this department showed that it consisted essentially of magnesium sulphate, quinine sulphate, a small amount of arsenic, alcohol, and water colored with a pink dye and flavored with oil of cinnamon and other aromatics.

It was alleged in the libel that the article was misbranded in that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that the following statements, borne on the bottle and carton labels, regarding the curative and therapeutic effects of the article were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed: (Bottle label) "Fever Tonic For Fevers of Various Kinds such as Malarial Fever, Chills and Fever, Intermittent Fever, Typhoid Fever * * * For Influenza, * * * LaGrippe, Measles, Jaundice, Neuralgia;" (carton label) "Fever Tonic * * * Malarial Fevers, La Grippe, Chills * * * Measles, Jaundice, Neuralgia * * * For LaGrippe, Influenza."

On September 17, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16940. Misbranding of Acquin tablets. U S. v. 19 Bottles and 2642 Tins of Acquin Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23428. I. S. Nos. 05341, 05342, 05343, 05344. S. No. 1553.)

On February 19, 1929, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 19 bottles and 2,642 tins of Acquin tablets, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Clausen-Zoller Co., from St. Louis, Mo., in various consignments on or about July 2, 1928, January 4, 1929, and January 5, 1929, respectively, and transported from the State of Missouri into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetphenetidin, acetylsalicylic acid, and starch.

It was alleged in the libel that the article was misbranded in that the following statements were false and misleading: (Bottle label) "A Non-Depressant;" (tins) "Will not depress the heart;" (display carton containing 1¼ dozen tins) "A safe remedy * * * No bad after effects * * * will not depress the heart;" (display carton containing 4 dozen tins and one bottle) "A safe remedy * * * will not depress the heart * * * Acquin tablets do not depress the heart;" (wrapper around this display carton) "Does not depress the heart;" (circular inclosed in the tins) "Does not depress the heart * * * It is safe for adults and children. * * * The component parts of Acquin are * * * entirely free from * * * drugs * * * that are harmful. * * * Acquin contains no acetanilide. * * * Dr. Charles Lane Stevens * * * considers Acquin superior to Aspirin and far safer. Dr. Otto Frank * * * warns against the too frequent use of Aspirin." [These tablets actually contain aspirin; in addition they contain acetphenetidin, a heart depressant. Acetphenetidin is a derivative of acetanilide.] Misbranding was alleged for the further reason that the package failed to bear a statement on the said bottle label and the tin of the quantity or proportion of acetphenetidin, a derivative of acetanilide contained therein, since the declaration did not include a statement to the effect that acetphenetidin is a derivative of acetanilide. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed: (Display carton containing 4 dozen tins and 1 bottle) "Neuritis, Neuralgia, * * * Fever, La Grippe, Influenza, Rheumatic and Periodic Pains * * * For * * * Neuralgia, Influenza, Rheumatic pains and fever;" (tins contained in this carton) "Stops pain almost instantly * * * For relief of pain * * * La Grippe, Neuralgia, Rheumatic Pains, Painful Menstruation and Influenza;" (inclosure in tins) "Acquin is a boon to women suffering with periodic pains. For Neuralgia, Neuritis, * * * Rheumatism, Toothache, Earache, Grip and Influenza. Take two Acquin tablets at once and one every three hours during the day until relieved;" (display carton containing 1¼ dozen tins) "Stops pain almost instantly * * * A safe remedy for * * * Neuritis, Neuralgia, * * * Fever. La Grippe, Influenza, Rheumatic and Periodic Pains;" (tins contained in this carton) "Stops pain almost instantly * * * For Relief of Pain, * * * La Grippe, Neuralgia, Rheumatic Pains, Painful Menstruation and Influenza;" (circular contained in these tins) "Stops pain almost instantly * * * for the relief of pain, because it stops pain almost instantly * * * In ulcerated teeth accompanied by severe pain, two Acquin Tablets should be taken * * * For the relief of * * * Neuritis, Neuralgia, * * * Influenza, Rheumatic and Menstrual pains. * * * Acquin is a boon to women suffering with periodic pains. * * * For Neuralgia, Neuritis, * * * Rheumatism, Toothache, Earache, Grip and Influenza;" (bottle label) "For * * * Neuralgia, Neuritis, 1 to 2 tablets for the first

few hours followed by 1 every hour, if necessary. For Influenza, Rheumatic Pains * * * 1 every 2 or 3 hours as required."

On June 27, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16941. Adulteration and misbranding of solution citrate of magnesia. U. S. v. Henry B. Gilpin Co. Plea of guilty. Fine, \$5. (F. & D. No. 23743. I. S. No. 03462.)

On November 25, 1929, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district an information against the Henry B. Gilpin Co., a corporation, Baltimore, Md., alleging shipment by said company in violation of the food and drugs act, on or about September 5, 1928, from the State of Maryland into the State of West Virginia, of a quantity of solution citrate of magnesia which was adulterated and misbranded. The article was labeled in part: "Gilco Solution Citrate of Magnesia. This preparation is not that of the U. S. P., but represents in each fluid ounce Magnesium Oxide 5.1 grains and Citric Acid 30.5 grains and is palatable, and efficient in action * * * The Henry B. Gilpin Company * * * Baltimore, Maryland."

Analysis of a sample of the article by this department showed that the solution contained magnesium citrate, corresponding to not more than 4.38 grains of magnesium oxide per fluid ounce, equivalent to not more than 0.96 gram per 100 cubic centimeters.

It was alleged in the libel that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation, in that it contained magnesium citrate corresponding to not more than 4.38 grains of magnesium oxide per fluid ounce, equivalent to not more than 0.96 gram per 100 cubic centimeters of said article, whereas said pharmacopoeia provides that each 100 cubic centimeters of the solution of magnesium citrate, to wit, solution of citrate of magnesia, should contain magnesium citrate corresponding to not less than 1.5 grams of magnesium oxide and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that each fluid ounce of the article was represented to contain 5.1 grains of magnesium oxide, whereas each fluid ounce of the article contained less than 5.1 grains of magnesium oxide, to wit, not more than 4.38 grains of magnesium oxide.

Misbranding was alleged for the reason that the statement, to wit, "Solution Citrate of Magnesia This preparation * * * represents in each fluid ounce 5.1 grains magnesium oxide," borne on the label, was false and misleading in that the statement represented that each fluid ounce of the article contained 5.1 grains of magnesium oxide, whereas each fluid ounce of the article did not contain 5.1 grains of magnesium oxide but did contain a less amount.

On November 25, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16942. Adulteration and misbranding of Zunical. U. S. v. 123 Bottles of Zunical. Default decree of adulteration and misbranding. Product ordered destroyed. (F. & D. No. 23873. I. S. No. 07113. S. No. 2054.)

On July 9, 1929, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 123 bottles of Zunical, remaining in the original unbroken package at Los Angeles, Calif., alleging that the article had been shipped by Antonio A. Zuniga from New York, N. Y. on or about February 23, 1929, and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of eggs, creosote, copaiba, sugar, and water.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Antiseptic," whereas the strength of said article fell below such professed standard.

Misbranding was alleged for the reason that the statement contained in the circular, "Antiseptic," was false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing on the labeling, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "For the spasms of the Asthma and the Bronchitis, * * * Grippe, Croup, etc.;" (Spanish portion of bottle label) "Gives marked alleviation to those suffering with coughs and catarrhs, no matter of how long standing, whooping cough, bronchitis and asthma. The alleviation is attained after the first doses;" (Italian portion of bottle label) "For alleviating quickly and to a marked degree those suffering with coughs * * * of however long standing they may be, whooping cough, bronchitis and asthma;" (pink circular) "Tonic * * * Anticatatrrhal * * * aid in Certain Respiratory Irritations. * * * Reconstituent. The Respiratory tract of the body is often easily affected. Coughs, Catarrhs, Grippe, Asthmatic Attacks, Bronchitis, Irritations, Whooping-Cough, constitute some of the most frequent maladies, from which hardly anyone is exempt. It has been found that 'Zunical' is an aid to promote quick and effective relief in cases of Asthmatic Attacks and Respiratory irritations. * * * with its aid, a great number of patients have regained their health. * * * After a few doses, the cough becomes easier, less frequent, and the purulent sputum is quickly modified and in a short time expelled. With the first few doses which enter the system a patient experiences quick relief. * * * In some cases a few bottles would be only necessary to obtain substantial relief." (Similar statements in Spanish.)

On August 28, 1929, no claimant having appeared for the property, a decree was entered adjudging the product adulterated and misbranded, and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16943. Misbranding of Ferrasal. U. S. v. 11½ Dozen Packages of Ferrasal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23783. I. S. No. 010208. S. No. 1979.)

On or about June 1, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11½ dozen packages of Ferrasal at Chicago, Ill., alleging that the article had been shipped by the Crown Remedy Co., from Dallas, Tex., in part on February 1, 1929, and in part on April 12, 1929, and transported from the State of Texas into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium bicarbonate (48 per cent), magnesium carbonate (25 per cent), small amounts of calcium and iron carbonates, salicylic acid (0.34 per cent), a tartrate, and starch flavored with oil of peppermint.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, borne on the label, "Ferrasal * * * is indicated in the numerous health troubles caused by an excess of acids in the system. Acute Indigestion * * * Dysentery and Constipation are often caused by Hyper-acidity. Ferrasal will give relief in such cases. It will also be found helpful in Kidney and Bladder trouble * * * The Sign of Good Health * * * Stops Indigestion Now! For Acute Indigestion take * * * Repeat hourly until relieved. For Chronic Indigestion * * * Also take * * * after any meal that fails to assimilate properly. * * * In cases of Dysentery and Ptomaine Poisoning call your physician and take * * * immediately. For Chronic Acidosis take * * * until condition becomes normal. In Severe Cases," were false and fraudulent in that the said statements were applied to the article knowingly and in a reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of such purchasers the belief that it was composed of or contained ingredients effective as a remedy for the diseases, ailments, and afflictions mentioned on the label.

On July 24, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16944. Adulteration and misbranding of ether. U. S. v. Ninety ½-Pound Cans and One Hundred and Ninety ¼-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23918. I. S. Nos. 08577, 08578. S. No. 2159.)

On August 10, 1929, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of ninety ½-pound cans and one hundred and ninety ¼-pound cans of ether, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by the American Solvents & Chemical Corporation, from Albany, N. Y., in part on or about June 5, 1929, and in part on or about June 21, 1929, and transported from the State of New York into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Anesthesia Ether * * * Put up expressly For Otis Clapp & Son, Incorporated."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of purity as determined by the test laid down in said pharmacopoeia, since it contained peroxide.

Misbranding was alleged for the reason that the statement "Ether," borne on the label, was false and misleading in that the statement represented that the article was ether as defined in the United States Pharmacopoeia, whereas it was not ether as defined in said pharmacopoeia in that it differed from the standard of purity as determined by the test laid down therein, since it contained peroxide.

On September 3, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16945. Misbranding of Neo-Syn. U. S. v. 360 Tin Boxes of Neo-Syn. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23522. I. S. No. 04604. S. No. 1679.)

On March 16, 1929, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 360 tin boxes of Neo-Syn, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Neo-Syn Co., Minneapolis, Minn., on or about December 19, 1928, and transported from the State of Minnesota into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetphenetidin, acetylsalicylic acid, caffeine, and starch.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling were false and misleading: (Tin container) "Absolutely safe;" (circular) "Neo-Syn is an absolutely safe * * * compound * * * Neo-Syn * * * is safe and causes no harmful after effects. Neo-Syn is harmless to the heart and kidneys * * * the total absence of any harmful effects make it so * * * Neo-Syn causes no disagreeable after effects." Misbranding was alleged for the further reason that the packages containing the article failed to bear a statement on the label of the quantity or proportion of acetphenetidin, a derivative of acetanilide, contained therein, since the declaration was inconspicuous and did not include a statement to the effect that acetphenetidin is a derivative of acetanilide. Misbranding was alleged for the further reason that the following statements regarding the therapeutic effects of the article appearing in the labeling, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tin container) "1 or 2 tablets with water repeated in 2 hours if necessary. * * * Swift relief follows the swallow * * * for Neuralgia, Backache, * * * Grippe,

* * * Earache, Periodic Pains:" (circular) "Swift Relief Follows the Swallow * * * the Swiftness of the relief * * * makes it so. Neo-Syn swiftly relieves * * * Earache, Neuralgia * * * LaGrippe * * * for the relief of Backache and Periodic or Menstrual Pains * * * Earache * * * Neuralgia * * * Influenza, LaGrippe, 1 to 2 tablets with water every 3 hours until relieved * * * Backache, Periodic Pains 2 tablets two to four times daily as required."

On June 21, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16946. Adulteration and misbranding of sodium bicarbonate. U. S. v. James Good (Inc.). Plea of guilty. Fine, \$5. (F. & D. No. 23736. I. S. No. 03412.)

On July 8, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district an information against James G. Good (Inc.), a corporation trading at Philadelphia, Pa., alleging shipment by said company in violation of the food and drugs act, on or about September 20, 1928, from the State of Pennsylvania into the State of Maryland, of a quantity of sodium bicarbonate which was adulterated and misbranded. The article was labeled in part: "One Pound Sodium Bicarbonate U. S. P. James Good, Inc., Philadelphia, Pa."

Analyses of samples of the article by this department showed that some of them contained sodium fluoride varying in quantity from 86 per cent to 92 per cent.

It was alleged in the information that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, in that it contained a large amount of sodium fluoride, whereas said pharmacopoeia provided that sodium bicarbonate consist of not less than 99 per cent of NaHCO_3 , to wit, pure sodium bicarbonate, and the standard of the strength, quality, and purity of the said article was not declared on the container thereof. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to be sodium bicarbonate, whereas it was a mixture composed in large part of sodium fluoride.

Misbranding was alleged for the reason that the statement "Sodium Bicarbonate U. S. P.," borne on the label, was false and misleading in that it represented that the article was sodium bicarbonate which conformed to the test laid down in the United States Pharmacopoeia, whereas it was not. Misbranding was alleged for the further reason that the article was composed in large part of sodium fluoride and was offered for sale and sold under the name of another article, to wit, sodium bicarbonate.

On September 19, 1929, plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16947. Adulteration and misbranding of Lax-Krax. U. S. v. 5 Dozen Packages of Lax Krax. Default decree of destruction entered. (F. & D. No. 24003. I. S. No. 06181. S. No. 2242.)

On September 13, 1929, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 dozen packages of Lax Krax at Salt Lake City, Utah, alleging that the article had been shipped by the Cubbison Cracker Co., from Los Angeles, Calif., on or about June 26, 1929, and transported from the State of California into the State of Utah, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Lax-Krax, * * * Lax-Krax Wafers, * * * Dr. Hollie's Wafers;" (circular) "Lax Wafers."

Analysis of a sample of the article by this department showed that it was a brown cracker containing the laxative drug, senna.

It was alleged in substance in the libel that the article was adulterated in that it contained senna, an added deleterious ingredient which might have rendered it injurious to health.

Misbranding was alleged in substance for the reason that the statement borne on the circular, "Made from wholesome herbs and grains," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Keen Health in a Clean Body;" (circular) "Good-bye Disease Now Made Possible with Mr. Hollie's Lax Wafer."

On October 26, 1929, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16948. Misbranding of Inhaler. U. S. v. 5½ Gross of Inhaler. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24383. I. S. No. 028658. S. No. 2633.)

On December 17, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5½ gross of drugs labeled "Inhaler," alleging that the article had been shipped by the Lobe Manufacturing Co., from Middleboro, Mass., on or about December 4, 1929, and transported from the State of Massachusetts into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of menthol.

It was alleged in the libel that the article was misbranded in that the following statements borne on the label and display card, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Label) "Brings Relief For Neuralgia, Catarrh * * * Influenza, Asthma, Sore Throat, Hayfever, Bronchitis;" (display card) "For * * * Headache * * * Asthma * * * Neuralgia * * * Catarrh * * * Hay Fever."

On January 7, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16949. Misbranding of Rice's cough syrup. U. S. v. 6 Dozen Bottles of Rice's Cough Syrup, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23435. I. S. Nos. 05689, 05690. S. No. 1622.)

On February 22, 1929, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 dozen bottles of Rice's cough syrup and 9 jars of Rice's salve, remaining in the original unbroken packages at South Boston, Va., alleging that the articles had been shipped by the Rice Chemical Co., from Greensboro, N. C., on or about January 4, 1929, and transported from the State of North Carolina into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including white pine, wild cherry, sassafras, and bloodroot, alcohol, glycerin, sugar, and water.

The articles were labeled in part, respectively: (Rice's cough syrup, bottle label) "For Coughs * * * Croup, Whooping Cough, Influenza, Hoarseness, Bronchitis. All Throat and Lung Troubles;" (carton label) "For Coughs * * * Croup, Whooping Cough, Influenza, Hoarseness, Bronchitis, All Throat and Lung Troubles;" (Rice's salve, jar label) "Pneumonia. Rub one-half jar or more on chest and throat and apply warm flannel saturated with salve. Apply hot iron to flannel rubbing gently. Apply also between shoulders, under arm-pits, and to seat of pain. Repeat every two hours until relieved. Coughs * * * Rub the salve over the chest and throat. In severe cases cover chest with warm flannel saturated with salve. Repeat every two hours until relieved. Coughs, Sore Throat, Bronchitis and LaGrippe, Apply the salve over chest and throat. Swallow a small quantity. In severe cases follow directions for Pneumonia. Catarrh and Hay Fever. Snuff a small quantity of the salve

up the nostrils morning and night, or oftener if required. In severe cases heat a spoon full of salve and spray with atomizer. Whooping Cough and Asthma. Apply salve over spinal column from neck to hips. Rub over throat and chest. Swallow a small quantity. Repeat until relieved. Inflammations. For skin eruptions;" (carton label) "When applied externally it acts both externally and internally * * * An efficient remedy for relief of Croup, Coughs * * * Catarrh, Asthma, Influenza, Pneumonia, Sore Throat, Whooping Cough, * * * Eczema, Bronchitis."

It was alleged in the libel that the articles were misbranded in that the said labels bore statements regarding the curative and therapeutic effects of the articles which were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On September 10, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16950. Misbranding of aspirin tablets. U. S. v. 46 Dozen Tins of Aspirin Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23966. I. S. No. 08993. S. No. 2186.)

On August 21, 1929, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 46 dozen tins of aspirin tablets, remaining in the original unbroken packages at Kokomo, Ind., alleging that the article had been shipped by the Roosa & Ratliff Chemical Co., Cincinnati, Ohio, on or about July 3, 1929, and transported from the State of Ohio into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained approximately 5 grains of acetylsalicylic acid.

The article was labeled in part: (Tin container) "Aspirin is a relief for Rheumatism, Influenza * * * also for all forms of Neuralgia. It is most useful in Gout, Sciatica and Muscular Rheumatism;" (circular) "Earache * * * Rheumatism, Lumbago, Neuralgia, Sciatica * * * Sore Throat Gargle * * * Periodic Pains."

It was alleged in the libel that the article was misbranded in that the tins and the circular accompanying the article contained false and fraudulent statements regarding the curative and therapeutic effects of the said article, since it contained no ingredient or combination of ingredients capable of producing the effects claimed in the said circular and printed on said tin.

On December 21, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16951-16975

[Approved by the Secretary of Agriculture, Washington, D. C., September 12, 1930]

16951. Adulteration of canned frozen eggs. U. S. v. 100 Cans of Frozen Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24318. I. S. No. 03939. S. No. 2572.)

On December 5, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 cans of frozen eggs, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Fairmont Creamery Co., Sioux City, Iowa, alleging that the article had been shipped from Sioux City, Iowa, on or about November 29, 1929, and transported from the State of Iowa into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On December 21, 1929, the Fairmont Creamery Co., Omaha, Nebr., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16952. Misbranding and alleged adulteration of jelly concentrates. U. S. v. 36 Cases of Raspberry Minute Jelly Concentrate, et al.—Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24115. I. S. Nos. 08194, 08195. S. No. 2357.)

On October 2, 1929, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 36 cases of raspberry Minute jelly concentrate and 62 cases of currant Minute jelly concentrate, remaining in the original unbroken packages at Buffalo, N. Y., consigned by Minute Jelly (Inc.), Cranford, N. J., alleging that the articles had been shipped from Cranford, N. J., July 1, 1929, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Raspberry (or "Currant") Minute Jelly Concentrate 1 bottle makes 2 glasses of finest Jelly * * * jelly is ready to pour in glasses * * * no purer jelly can be made * * * a mixture of fruit juice and sugar with natural flavor fruit acid and vegetable color and a small amount of pectin to jell * * * Minute Jelly Inc. Cranford, New Jersey."

It was alleged in the libel that the articles were adulterated in that a substance devoid of fruit juice had been mixed and packed with and substituted in part for the said articles, and for the further reason that they were colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "A mixture of fruit juice," "Raspberry (or "Currant") Minute Jelly Concentrate," "Makes * * * finest jelly," and "Jelly is ready," borne on the labels, were false and misleading and deceived and misled purchasers when applied to articles devoid of fruit juices. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

On December 20, 1929, Minute Jelly (Inc.), Cranford, N. J., having appeared as claimant for the property, judgment was entered finding the products misbranded and ordering their condemnation and forfeiture, and it was further ordered by the court that the said products might be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that they be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16953. Adulteration and misbranding of prepared mustard. U. S. v. 5 Cases of Prepared Mustard. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23409. I. S. No. 07425. S. No. 1581.)

On February 15, 1929, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 cases, each containing a number of jars of prepared mustard, remaining in the original unbroken packages at Denver, Colo., consigned by the Jewett & Sherman Co., Kansas City, Mo., alleging that the article had been shipped from Kansas City, Mo., on or about January 21, 1929, and transported from the State of Missouri into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Crown Brand * * * Prepared Mustard Colored with Turmeric. Holsum Products Inc., Chicago, Milwaukee, Kansas City."

It was alleged in the libel that the article was adulterated in that mustard bran had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the designation "Prepared Mustard" was false, misleading, and deceptive, and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On November 27, 1929, the Holsum Products (Inc.), Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16954. Adulteration and misbranding of grape juice. U. S. v. 60 Cases, et al., of Grape Juice. Default order of destruction entered. (F. & D. No. 23980. I. S. Nos. 06178, 06179. S. No. 2240.)

On September 3, 1929, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 60 cases of pint bottles and 70 cases of quart bottles of grape juice, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Pacific American Fisheries, from Seattle, Wash., in part on or about May 17, 1929, and in part on or about July 3, 1929, and transported from the State of Washington into the State of Utah, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottles) "One Pint Net (or "One Quart Net") Serv-us Brand Grape Juice Unfermented * * * Serv-us Grocery Products Corp'n, Distributors, Buffalo, N. Y."

It was alleged in the libel that the article was adulterated in that a substance, water, had been mixed and packed with and substituted in part for the article, so as to lower or reduce or injuriously affect its quality or strength.

It was further alleged that the article was short in volume and was misbranded in that the statements, "Grape Juice," "One Pint Net," and "One Quart Net," borne on the labels, were false and misleading and deceived and misled the purchaser; and for the further reason that the article was food in

package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was not correct.

On October 26, 1929, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16955. Adulteration of walnut pieces. U. S. v. 11 Cases of Walnut Pieces. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 24302. I. S. No. 028533. S. No. 2550.)

On December 3, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 cases of walnut pieces, remaining in the original unbroken packages at New York, N. Y., consigned by Antonio Vilanova, Tarragona, Spain, alleging that the article had been imported from Spain, into the State of New York, on or about February 16, 1929, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Walnut Pieces Arlequins, Produce of Spain."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid substance, to wit, wormy, rancid, and decomposed nuts.

On January 7, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16956. Adulteration of butter. U. S. v. 100 Cases, et al., of Butter. Decree of condemnation and forfeiture. Product released under bond.
(F. & D. No. 24020. I. S. Nos. 08563, 08566. S. No. 2147.)

On or about July 29, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 100 cases and 57 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about July 17, 1929, alleging that the article had been shipped by the North American Creameries (Inc.), Paynesville, Minn., and transported from the State of Minnesota into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the said article purported to be, the act of Congress approved March 4, 1923, providing that butter contain not less than 80 per cent by weight of milk fat.

On August 1, 1929, the North American Creameries Co. (Inc.), Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libels, and the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16957. Adulteration and misbranding of cheese. U. S. v. 17 Boxes, et al., of Cheese. Decrees of condemnation entered. Product released under bond.
(F. & D. Nos. 23423, 23464. I. S. Nos. 01306, 01307, 05224, 05225. S. Nos. 1627, 1652.)

On February 21 and February 28, 1929, respectively, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 82 boxes of cheese, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by C. A. Linzmeyer (or Linzmeier), in part on December 4, 1928, and in part on January 31, 1929, from Elmwood, Wis., and transported from the State of Wisconsin into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (On cheese) "Cheese Factory * * * State of Wisconsin Department of Markets Wisconsin No. 1 (or "Wis. No. 1")."

It was alleged in the libels that the article was adulterated in that excessive moisture had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the designation "Wisconsin No. 1," with respect to all the product and the designation "Cheese," with respect to a portion thereof, were false and misleading and deceived and misled the purchaser.

On April 2, 1929, Armour & Co., Minneapolis, Minn., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$2,200, conditioned in part that it should not be sold or disposed of except to a grinder of cheese to be ground under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16958. Adulteration of pistachio nuts. U. S. v. 8 Bags of Pistachio Nuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24278. I. S. No. 021073. S. No. 2513.)

On November 22, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel praying seizure and condemnation of 8 bags of pistachio nuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by John Simon Bros., Uniontown, Pa., on or about January 31, 1929, and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 12, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16959. Adulteration of walnuts in shell. U. S. v. 6 Bags of Walnuts in Shell. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24272. I. S. No. 021072. S. No. 2512.)

On November 22, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel praying seizure and condemnation of 6 bags of walnuts in shell, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Franklin H. Palmer (Inc.), Boston, Mass., on or about May 1, 1929, and transported from the State of Massachusetts into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On December 12, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16960. Adulteration of frozen whole eggs. U. S. v. 583 Cans of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24186. I. S. No. 024279. S. No. 2434.)

On October 29, 1929, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 583 cans of frozen whole eggs, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the Booth Cold Storage Co., from St. Louis, Mo., on or about October 12, 1929, and transported from the State of Missouri into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Bowman-Priebe-Ovson Co. Whole-Mixed Chicago, Illinois."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On November 2, 1929, the Bowman-Priebe-Ovson Co., now by change of name, Ovson Egg Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$10,000, conditioned in part that the cans containing good eggs be segregated from the remainder and the bad portion destroyed or denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16961. Misbranding of canned tuna fish. U. S. v. 100 Cases of Tuna Fish. Consent decree of condemnation and forfeiture. Product released under bond. (F & D. No. 24357. I. S. Nos. 019289, 019290. S. No. 2624.)

On December 16, 1929, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 cases of canned tuna fish, remaining in the original unbroken packages at Everett, Wash., consigned by Cohn Hopkins (Inc.), San Diego, Calif., in part on October 27, 1929, and in part on November 20, 1929, alleging that the article had been shipped in interstate commerce from San Diego, Calif., into the State of Washington, arriving about November 1, 1929, and November 25, 1929, respectively, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "California Brand * * * Tuna Packed by Cohn Hopkins, Inc., * * * San Diego, Calif., Contents 7 Ounces."

It was alleged in the libel that the article was short weight and misbranded in that the statement "Contents 7 Ounces," borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents.

On January 6, 1930, Cohn Hopkins (Inc.), claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be brought into compliance with the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16962. Adulteration of cull poultry. U. S. v. 1 Barrel of Cull Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24356. I. S. No. 028687. S. No. 2614.)

On December 16, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 barrel of cull poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Vilas & Co., from Storm Lake, Iowa, on or about November 15, 1929, and transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On January 7, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16963. Adulteration of scallops. U. S. v. 5 Gallons, et al., of Scallops. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24364, 24365, 24366. I. S. Nos. 028622, 028653, 028654. S. Nos. 2544, 2545, 2546.)

On November 22, 1929, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 20 gallons of scallops at New York, N. Y., alleging that the article had been shipped by the Wallace M. Quinn Co., from New Bedford,

Mass., on or about November 20, 1929, and transported from the State of Massachusetts into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On December 4, 1929, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16964. Adulteration of canned blueberries. U. S. v. 22 Cases of Canned Blueberries. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24218. I. S. No. 011557. S. No. 2463.)

On or about November 8, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 22 cases of canned blueberries, remaining in the original unbroken packages at Dorchester (Boston), Mass., alleging that the article had been shipped by the R. J. Peacock Canning Co., from Machias, Me., on or about September 27, 1929, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Peacanco Brand Blueberries * * * Packed by R. J. Peacock Canning Co., Lubec, Maine."

It was alleged in the libel that the article was adulterated in that maggoty blueberries had been mixed and packed therewith so as to reduce and lower its quality, and had been substituted in part for blueberries which the article purported to be. Adulteration was alleged for the further reason that the article consisted in part of a filthy vegetable substance.

On December 9, 1929, the R. J. Peacock Canning Co., Machiasport, Me., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be salvaged and the adulterated portion destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16965. Misbranding of vinegar. U. S. v. 100 Cases of Na-Co Brand Cider Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23908. I. S. No. 010140. S. No. 2126.)

On August 1, 1929, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 cases of vinegar, remaining in the original unbroken packages at Muskegon, Mich., alleging that the article had been shipped by the Naas Corporation, Cohocton, N. Y., on or about June 11, 1929, and transported from the State of New York into the State of Michigan, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bottles) "Na-Co Brand Cider Vinegar Reduced to 4% acetic acid * * * Net Contents One pint (lightly over-stamped) 10 ounces (lightly stamped) Naas Cider & Vinegar Co., Inc., Cohocton, N. Y."

It was alleged in the libel that the article was misbranded in that the statements on the label relative to the net contents were false and misleading and deceived and misled purchasers thereof, since the article was short volume. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated was not correct.

On September 5, 1929, the Naas Corporation, Cohocton, N. Y., claimant, having admitted the facts set forth in the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for relabeling, under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16966. Misbranding of dairy feed. U. S. v. 31 Bags of Dairy Feed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24102. I. S. No. 012413. S. No. 2358.)

On October 2, 1929, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 31 bags of dairy feed, remaining in the original unbroken packages at Cumberland, Md., alleging that the article had been shipped by the Akron Feed & Milling Co., from Akron, Ohio, on or about July 22, 1929, and transported from the State of Ohio into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Akron Dairy Feed Analysis Protein 24.0% * * * Made by The Akron Feed & Milling Co., Akron, Ohio."

It was alleged in the libel that the article was misbranded in that the statement borne on the label, "Analysis Protein 24.0%," was false and misleading and deceived and misled the purchaser.

On December 18, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16967. Adulteration of canned blueberries. U. S. v. 86 Cases of Canned Blueberries. Consent decree of condemnation and forfeiture. Product released under bond to be salvaged. (F. & D. No. 24276. I. S. No. 024050. S. No. 2515.)

On November 22, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 86 cases of canned blueberries at Newark, N. J., alleging that the article had been shipped by the Stinson & Crabtree Co., Hancock, Me., on or about September 25, 1929, and transported from the State of Maine into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Calevan Brand Fancy Maine Blueberries Packed by Stinson & Crabtree Co., Hancock, Maine."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 17, 1929, the Stinson & Crabtree Co., Hancock, Me., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning and forfeiting the product, judgment was entered ordering that it be delivered to the claimant at Hancock, Me., to be reconditioned, upon payment of costs and the execution of a bond in the sum of \$500. It was further ordered by the court that the portion of the product that could not be satisfactorily reconditioned, or the entire lot, in the event of failure to satisfactorily recondition it, be condemned and destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16968. Adulteration and misbranding of vinegar. U. S. v. 16 Barrels of Liquid Purporting To Be Pure Cider Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24172. I. S. No. 08102. S. No. 2402.)

On October 23, 1929, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 16 barrels of vinegar at Washington, D. C., alleging that the article had been offered for sale in the District of Columbia by the Washington Supply Market, Washington, D. C., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Shenandoah Maid 4% Pure Cider Vinegar * * * Manufactured by Shenandoah Apple Products Corporation Strasburg, Va."

It was alleged in the libel that the article was adulterated in that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted wholly or in part for pure cider vinegar which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Pure Cider Vinegar," borne on the label, was false and misleading in that the said statement represented that the article was pure cider vinegar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead

the purchaser into the belief that it was pure cider vinegar, whereas it was not, but was a product composed in part of water. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, pure cider vinegar.

On November 12, 1929, the Shenandoah Apple Products Corporation, Strasburg, Va., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16969. Misbranding of imitation pear extract and imitation tutti frutti extract. U. S. v. 1 Barrel of Imitation Pear Extract, et al. Decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 23870, 23871. S. Nos. 1489, 1490.)

On or about December 28, 1928, the United States attorney for the Northern District of Texas, filed in the District Court of the United States for said district libels praying seizure and condemnation of 3 barrels of imitation pear extract and 1 barrel of imitation tutti frutti extract, remaining in the original unbroken packages at Dallas, Tex., alleging that the articles had been shipped by the Interstate Drug Co., from New York, N. Y., in part on or about August 8, 1926, and in part on or about August 28, 1926, and transported from the State of New York into the State of Texas, and charging misbranding in violation of the food and drugs act.

It was alleged in the libels that the articles were misbranded in that they were labeled and branded, "Imitation tutti frutti flavoring extract," "Imitation pear flavoring extract," and "Imitation pear extract," so as to deceive and mislead the purchaser, that is to say, they were so labeled and branded as to lead the purchaser to believe that they were extracts having the flavor of pear or of tutti frutti, as the case might be, and were suitable for use in imparting said flavors to articles of food, whereas they were entirely deficient in the flavoring elements necessary to impart said flavors, and were entirely without value as flavoring extracts.

On May 6, 1929, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16970. Adulteration and misbranding of cheese. U. S. v. 17 Boxes of Cheese. Decree of condemnation entered. Product released under bond. (F. & D. No. 23559. I. S. Nos. 01320, 01321. S. No. 1806.)

On March 26, 1929, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 17 boxes of cheese, 3 boxes of which were labeled, "Twin," and 14 boxes of which were labeled, "Twin Daisies," remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by J. F. Steinwand, from Colby, Wis., February 27, 1929, and transported from the State of Wisconsin into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cheese) "Full Cream Cheese J. F. Steinwand, Colby, Wisconsin."

It was alleged in the libel that the article was adulterated in that excessive moisture had been mixed and packed with it and substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Full Cream Cheese" was false and misleading and deceived and misled the purchaser.

On April 16, 1929, the Gamble-Robinson Co., Minneapolis, Minn., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of except to a grinder of cheese, to be ground under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16971. Misbranding of mule feed. U. S. v. 30 Sacks of Hard Charley Mule Feed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23695. I. S. No. 05672. S. No. 1954.)

On May 11, 1929, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 sacks of mule feed, remaining in the original unbroken packages at Jacksonville, N. C., alleging that the article had been shipped by the Carolina Milling Co. (Inc.), from Dillon, S. C., on or about April 10, 1929, and transported from the State of South Carolina into the State of North Carolina, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "# 14 * * * Hard Charley Mule Feed, Manufactured by Carolina Milling Company, Inc., Dillon, South Carolina, Protein 10 per cent * * * Fat 2½ per cent."

It was alleged in substance in the libel that the article was deficient in protein and fat, and was misbranded in that the statement on the sack label, "Protein 10 per cent, Fat 2½ per cent," was false and misleading and deceived and misled purchasers.

On October 17, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16972. Misbranding of imitation allspice extract. U. S. v. 40 Cartons of Imitation Allspice Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23866. S. No. 1485.)

On or about December 28, 1928, the United States attorney for the Northern District of Texas, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 cartons of imitation allspice extract, remaining in the original unbroken packages at Dallas, Tex., alleging that the article had been shipped by the Mott-Haven Drug Co., New York, N. Y., on or about August 28, 1926, and transported from the State of New York into the State of Texas, and charging misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was misbranded in that it was labeled and branded, "Allspice Flavoring Extract," so as to deceive and mislead the purchaser to believe that it was an extract having the flavor of allspice and suitable for use in imparting the flavor of allspice to articles of food, whereas it was entirely deficient in the flavoring element necessary to impart the allspice flavor, and was entirely without value as a flavoring extract.

On May 6, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16973. Misbranding of fluid extract of ginger. U. S. v. 1 Metal Drum, et al., of Fluid Extract of Ginger. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23867. S. No. 1486.)

On or about December 28, 1928, the United States attorney for the Northern District of Texas, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 metal drum and 4 barrels of fluid extract of ginger, remaining in the original unbroken packages at Dallas, Tex., alleging that the article had been shipped by the Boston Jobbing Co., from Boston, Mass., on or about September 1, 1926, and transported from the State of Massachusetts into the State of Texas, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article had been sold under and by the name of double strength Jamaica ginger in accordance with the formula described in the ninth revision of the United States Pharmacopoeia, and an analysis showed it was adulterated in that it differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia for double strength Jamaica ginger, in that it was artificially colored, it did not contain the required proportion of Jamaica ginger, and was substandard.

On May 6, 1929, no claimant having appeared for the property, and the court having found that the allegations of the libel were true, a decree was entered adjudging the product misbranded and ordering that it be condemned and for-

feited, and it was further ordered by the court that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16974. Misbranding of imitation cherry extract. U. S. v. 1 Barrel, et al., of Imitation Cherry Extract. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 23865. S. No. 1484.)

On or about December 28, 1928, the United States attorney for the Northern District of Texas, filed in the District Court of the United States for said district libels praying seizure and condemnation of 2 barrels of imitation cherry extract, remaining in the original unbroken packages at Dallas, Tex., alleging that the article had been shipped by the Sherlow Chemical Co., from New York, N. Y., on or about September 6, 1926, and transported from the State of New York into the State of Texas, and charging misbranding in violation of the food and drugs act.

It was alleged in the libels that the article was misbranded in that it was labeled, "Imitation Cherry Extract," so as to deceive and mislead the purchaser, that is to say, it was so labeled and branded as to lead the purchaser to believe that it was an extract having the flavor of cherry, and suitable for use in imparting the flavor of cherry to articles of food, whereas it was entirely deficient in the flavoring element necessary to impart the cherry flavor, and was entirely without value as a flavoring extract.

On May 6, 1929, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16975. Misbranding of imitation apricot extract, imitation peach extract and imitation tutti frutti extract. U. S. v. 1 Barrel of Imitation Apricot Extract, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 23868. S. No. 1487.)

On or about December 28, 1928, the United States attorney for the Northern District of Texas, filed in the District Court of the United States for said district, libels praying seizure and condemnation of 2 barrels of imitation peach extract, 2 barrels of imitation apricot extract, and 1 barrel of tutti frutti extract, remaining in the original unbroken packages at Dallas, Tex., alleging that the articles had been shipped by the Regal Extract Co., from New York, N. Y., on or about September 15, 1926, and transported from the State of New York into the State of Texas, and charging misbranding in violation of the food and drugs act.

It was alleged in the libels that the articles were misbranded in that they were labeled and branded, "Imitation apricot extract," "Imitation peach extract," and "Imitation tutti frutti extract," respectively, so as to deceive and mislead the purchaser, that is to say, they were so labeled and branded as to lead the purchaser to believe that they were extracts having the flavor of apricot, peach, or tutti frutti, as the case might be, and suitable for use in imparting said flavors to articles of food, whereas they were entirely deficient in the flavoring elements necessary to impart said flavors, and were entirely without value as flavoring extracts.

On May 6, 1929, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16976-17000

[Approved by the Secretary of Agriculture, Washington, D. C., September 12, 1930]

16976. Misbranding of imitation apricot flavoring extract. U. S. v. 3 Barrels of Imitation Apricot Flavoring Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23869. S. No. 1488.)

On or about December 28, 1928, the United States attorney for the Northern District of Texas, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 barrels of imitation apricot flavoring extract, remaining in the original unbroken packages at Dallas, Tex., alleging that the article, had been shipped by the Harwood Drug Co., from New York, N. Y., on or about July 24, 1926, and transported from the State of New York into the State of Texas, and charging misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was misbranded in that it was labeled and branded, "Imitation apricot flavoring extract," so as to deceive and mislead the purchaser, that is to say, the article was so labeled and branded as to lead the purchaser to believe that it was an extract having the flavor of apricot, and suitable for use in imparting the flavor of apricot to articles of food, whereas it was entirely deficient in the flavoring element necessary to impart the apricot flavor, and was entirely without value as a flavoring extract.

On May 6, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16977. Adulteration and misbranding of noodles. U. S. v. 15 Boxes of Fine Noodles, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22701. I. S. Nos. 25437-x, 25438-x. S. No. 737.)

On April 17, 1928, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 boxes of fine noodles, and 20 boxes of wide noodles, remaining in the original unbroken packages at Gary, Ind., alleging that the article had been shipped by the G. D. Amico Macaroni Co., from Chicago Heights, Ill., on or about March 7, 1928, and transported from the State of Illinois into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the boxes were labeled in part: "Allrich Brand Fine Noodles * * * Gary Wholesale Grocery Company, Distributors, Gary, Indiana." The remainder of the said boxes bore similar labels, except for the following: "Wide Noodles * * * Artificially Colored."

It was alleged in the libel that the article was adulterated in that a substance containing little or no egg had been substituted wholly or in part for the said article, and had been mixed and packed with it so as to reduce or lower or injuriously affect its quality and strength. Adulteration was alleged for the further reason that the article was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement "Noodles," borne on the labels, was false and misleading and deceived and misled the purchaser.

Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On April 10, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16978. Adulteration and misbranding of feed. U. S. v. Carolina Milling Co. (Inc.). Plea of guilty. Fine, \$150. (F. & D. No. 23741. I. S. Nos. 02229, 02378, 05539, 05546, 014776.)

On September 23, 1929, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Carolina Milling Co. (Inc.), a corporation, Dillon, S. C., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about June 21, 1928, July 13, 1928, September 27, 1928, November 8, 1928, and December 8, 1928, respectively, from the State of South Carolina, in part into the State of North Carolina, and in part into the State of Florida, of quantities of feed which was adulterated and misbranded. The article was labeled in part, variously: "C. M. Horse and Mule Feed Manufactured by Carolina Milling Company, Inc., Dillon, South Carolina. Guaranteed Analysis: Protein 10 per cent, Fat 2½ per cent * * * Contents: Corn, Oats, Alfalfa, Oat Shorts, Oat Middlings, Cotton Seed Meal, Molasses, 1% Salt;" "Pee Dee Mixed Feed Manufactured by Carolina Milling Company, Inc., Dillon, South Carolina. Guaranteed Analysis: Protein 15 per cent;" "Carolina Star 24% Manufactured by Carolina Milling Co., Inc., Dillon, S. C. Guaranteed Analysis Protein 24 per cent."

Adulteration was alleged with respect to portions of the C. M. horse and mule feed for the reason that a feed containing a large amount of oat hulls, which were undeclared, and containing practically no oats, which were declared, and which was deficient in protein and fat in that it contained less protein and fat than declared, had been substituted for the article. Adulteration was alleged with respect to the remainder of the said C. M. horse and mule feed, the Pee Dee mixed feed, and the Carolina Star dairy feed, for the reason that feeds deficient in protein, and in the case of the Carolina Star dairy feed, also deficient in fat, had been substituted for the said article.

Misbranding of the said portions of the C. M. horse and mule feed was alleged for the reason that the statements, "Guaranteed Analysis: Protein 10 per cent, Fat 2½ per cent * * * Contents: Corn, Oats, Alfalfa, Oat Shorts, Oat Middlings, Cotton Seed Meal, Molasses, 1% Salt," borne on the tags attached to the bags containing the article were false and misleading in that the said statements represented that the article was composed solely of the said stated contents and contained 10 per cent of protein and 2½ per cent of fat, and contained a practical amount of oats, among its other stated ingredients, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser to believe that it was composed solely of the said stated contents, including a practical amount of oats, and contained 10 per cent of protein, and 2½ per cent of fat; whereas it contained less than 10 per cent of protein, less than 2½ per cent of fat, and it was composed largely of oat hulls, which were undeclared, and but an infinitesimal amount of oats. Misbranding was alleged with respect to the said remaining portion of the C. M. horse and mule feed, the Pee Dee mixed feed, and the Carolina Star dairy feed, for the reason that the statements, "Guaranteed Analysis: Protein 10 per cent," "Guaranteed Analysis: Protein 15 per cent," and "Guaranteed Analysis: Protein 24 Per Cent, Fat 5 Per Cent," borne on the respective labels, represented that the article contained the amount of protein declared on the label thereof and that the Carolina Star dairy feed also contained 5 per cent of fat; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained the amount of protein declared on the label and that the said Carolina Star dairy feed also contained 5 per cent of fat; whereas the article contained less protein than declared, and the Carolina Star dairy feed contained less than 5 per cent of fat.

On December 2, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16979. Misbranding of feed. U. S. v. Akron Feed & Milling Co. Plea of nolo contendere. Fine, \$250 and costs. (F. & D. No. 23757. I. S. Nos. 012401, 012402, 012406.)

On November 20, 1929, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Akron Feed & Milling Co., a corporation, Akron, Ohio, alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about December 29, 1928, and January 3, 1929, respectively, from the State of Ohio into the State of Maryland, of quantities of feed which was misbranded. A portion of the article was labeled in part: "Unaflo 24% Dairy Ration Analysis Protein 24% * * * Made by The Akron Feed & Milling Co. Akron, Ohio." The remainder of the said article was labeled in part: "Ohio Dairy Feed Analysis Protein 16% * * * Made By The Akron Feed & Milling Co. Akron, Ohio."

It was alleged in the information that the article was misbranded in that the statements, to wit, "Analysis Protein 24%" and "Analysis Protein 16%," borne on the respective labels, were false and misleading in that the said statements represented that the article contained 24 per cent, or 16 per cent, as the case might be, of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 24 per cent or 16 per cent, as the case might be, of protein; whereas the said article contained less protein than represented, the two lots of the Unaflo dairy ration containing approximately 19.90 per cent, and 20.29 per cent, respectively, of protein, and the Ohio dairy feed containing approximately 11.01 per cent of protein.

On January 2, 1930, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16980. Adulteration of butter. U. S. v. North American Creamery Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 19712. I. S. No. 22569-v.)

On May 25, 1926, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the North American Creamery Co., a corporation, Paynesville, Minn., alleging shipment by said company in violation of the food and drugs act, on or about February 10, 1925, from the State of Minnesota into the State of Massachusetts, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

On November 23, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16981. Misbranding of butter and cheese. U. S. v. Phenix Cheese Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 22558. I. S. Nos. 16209-x, 16744-x, 16745-x.)

On September 26, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Phenix Cheese Corporation, trading at New York, N. Y., alleging shipment by said company, in violation of the food and drugs act as amended, on or about March 28, 1927, from the State of New York into the State of Maryland, of a quantity of butter, and on or about July 13, 1927, and July 26, 1927, respectively, from the State of New York into the State of New Jersey, of two consignments of cheese, which said products were misbranded. The butter was contained in packages labeled in part: "Fancy Print Butter * * * Eight Ounces." The two consignments of cheese were contained in packages labeled in part, respectively: "Tasty Cheese * * * Net Weight 3½ Ounces * * * Phenix Cheese Corporation New York," and "Phenix Pasteurized-

Blended Cheese Swiss * * * Net Weight Eight Ounces * * * Phenix Cheese Corporation * * * New York."

It was alleged in the information that the articles were misbranded in that the statement "Eight Ounces," regarding the butter, and the statements, "Net Weight 3½ Ounces," and "Net Weight Eight Ounces," regarding the respective lots of cheese, borne on the labels, were false and misleading in that the said statements represented that each package contained the quantity of the article declared on the label thereof, and for the further reason that the said articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each package contained the quantity of the article declared on the label thereof, whereas they did not, but did contain, in each of a number of said packages, less than so represented. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, in that the quantity stated on each of a number of said packages was greater than the actual contents of the package.

On November 21, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16982. Adulteration and misbranding of walnut meats. U. S. v. 16 Cases of Walnut Meats. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23519. I. S. Nos. 07860, 07861. S. No. 1761.)

On March 26, 1929, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 16 cases of walnut meats, remaining in the original packages at Los Angeles, Calif., alleging that the article had been shipped from Boise, Idaho, on or about March 13, 1929, and transported from the State of Idaho into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part, "Southern California Supply Co.," 6 cases being further labeled in part, "Invincible Brand Shelled California Walnuts Golden Amber Halves and Pieces, Net Contents 50 Lbs. When Packed. Distributed by Southern California Supply Co., Inc., Los Angeles."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed vegetable substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 2, 1929, the Southern California Supply Co., Los Angeles, Calif., having appeared as claimant for the property and having filed a good and sufficient bond for the release of the product, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond to secure its reconditioning under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16983. Adulteration and misbranding of cheese. U. S. v. 20 Boxes of Cheese. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23465. I. S. No. 01308. S. No. 1663.)

On February 28, 1929, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 boxes of cheese, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by C. A. Linz-meyer, Rock Elm, Wis., January 9, 1929, and transported from the State of Wisconsin into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Factory No. 670 State of Wisconsin Department of Markets No. 1-1704."

It was alleged in the libel that the article was adulterated in that a substance, excessive moisture, had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the designation, "State of Wisconsin Department of Markets No. 1," was false and misleading and deceived and misled the purchaser.

On April 2, 1929, Armour & Co., South St. Paul, Minn., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it should not be sold or disposed of except to a grinder of cheese, to be ground under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16984. Adulteration of dressed poultry. U. S. v. 3 Barrels of Dressed Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24331. I. S. No. 028751. S. No. 2596.)

On December 12, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 barrels of dressed poultry at New York, N. Y., alleging that the article had been shipped by Armour & Co., from New Haven, Conn., on or about November 25, 1929, and transported from the State of Connecticut into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, to wit, moldy, decomposed, sour, and musty birds.

On January 7, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16985. Adulteration of chestnuts. U. S. v. 5 Barrels of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24304. I. S. No. 028524. S. No. 2551.)

On December 4, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 barrels of chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Naples, Italy, by Giovanni Rossi, into the State of New York (entered July 11, 1929), and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 7, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16986. Adulteration of mixed nuts. U. S. v. Twenty-five 50-pound Bags, et al., of Mixed Nuts in Shell. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24390. I. S. No. 028759. S. No. 2635.)

On December 20, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of twenty-five 50-pound bags and one 300-pound bag of mixed nuts in shell, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Higson Brooks & Co., from Para, Brazil, into the State of New York, on or about August 15, 1929, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance, to wit, of rancid, decomposed, moldy, and wormy Brazil nuts.

On January 6, 1930, Wm. A. Higgins & Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it be sorted to separate the good nuts from the bad, and the latter destroyed or denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16987. Adulteration of canned blueberries. U. S. v. 430 Cases, et al., of Canned Blueberries. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 24167, 24245. I. S. Nos. 021267, 021764, 024047. S. Nos. 2388, 2488.)

On October 17 and November 13, 1929, respectively, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 980 cases of canned blueberries, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Millbridge Packing Co., from Franklin, Me., in various consignments, on or about August 16, August 19, and August 22, 1929, respectively, and transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Three Pines Brand, Maine Blueberries, Pine Tree Packing Company, Bangor, Maine." The remainder of the said article was labeled in part: (Can) "Robin Hood * * * Blueberries * * * R. C. Williams & Co., Inc., Distributors, New York."

It was alleged in the libels that the article was adulterated in that a substance, maggoty blueberries, had been substituted wholly or in part for the article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength. Adulteration was alleged for the further reason that the article consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On December 17, 1929, the Millbridge Packing Co., Franklin, Me., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$5,900. The said bonds were conditioned in part that the product be returned to the State of Maine; that the good portion, if any, be separated from the bad portion and the latter destroyed; that if no satisfactory and legal separation be possible that the entire lot be destroyed; and that it should not be disposed of in violation of the Federal food and drugs act, or any existing law, and until inspected by a representative of this department, or of the Department of Agriculture of the State of Maine.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16988. Adulteration of canned blueberries. U. S. v. 199 Cases of Canned Blueberries. Consent decree releasing product under bond. Unfit portion ordered condemned and destroyed. (F. & D. No. 24273. I. S. No. 028681. S. No. 2528.)

On November 21, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 199 cases of canned blueberries, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by the A. & R. Loggie Co. (Ltd.), from Columbia Falls, Me., on or about September 19, 1929, and transported from the State of Maine into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Brunco Maine Blueberries * * * Christian Brüns Co., Distributors, Newark, N. J."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy vegetable substance.

On December 20, 1929, the A. R. Loggie Co. (Ltd.), Columbia Falls, Me., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,400. The said bond provided in part that the product be returned to Columbia Falls, Me., to be reconditioned by the claimant to the satisfaction of the inspection service of the State of Maine Department of Agriculture; that the portion that could not be satisfactorily reconditioned, or the entire lot in the event of failure to so recondition it, be condemned and destroyed; and that it should be disposed of in compliance with the law, State and Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16989. Misbranding of butter. U. S. v. 4 Cases, et al., of Butter. Decrees of condemnation entered. Product released under bond. (F. & D. No. 23891. I. S. Nos. 07310, 07311. S. No. 1847.)

On or about April 9, 1929, the United States attorney for the District of Montana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 9 cases of butter, remaining in the original unbroken packages at Butte, Mont., alleging that the article had been shipped by Armour Creameries, from Pocatello, Idaho, in two consignments, on or about March 14, and March 15, 1929, respectively, and transported from the State of Idaho into the State of Montana, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Case) "759 P. Long Royal 30 Lb;" (carton) "Royal Butter 16 Ounces Net Weight." The remainder of the said article was labeled in part: (Case) "760 P This Box contains 60 1-Lb Cloverbloom Parchment Eastern;" (parchment wrapper) "1-Lb. Net Weight Highest Grade Cloverbloom Creamery Butter, Armour and Company, Distributors, General Offices, Chicago."

Misbranding of the article was alleged in substance in the libels for the reason that the statements on the cases and on the parchment wrappers and cartons were false and misleading and deceived and misled the purchaser, in that the said statements represented that the cases contained 30 pounds or 60 pounds, as the case might be, of butter, and that the parchment wrappers and cartons each contained 1 pound of butter, whereas the cases contained less than declared on the labels, and the parchment wrappers and cartons contained less than 1 pound of butter. Misbranding was alleged for the further reason that the quantity of the contents was not marked on the outside of the package in terms of weight, measure, or numerical count.

On June 20, 1929, Armour & Co., Chicago, Ill., having appeared as claimant for the property, judgments of condemnation were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$500, conditioned in part that it should not be sold or disposed of until reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16990. Adulteration of Brazil nuts. U. S. v. 113 Bags of Brazil Nuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24384. I. S. No. 028547. S. No. 2595.)

On December 18, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 113 bags of Brazil nuts, remaining in the original unbroken packages at New York, N. Y., consigned by Higson Jones & Co., Manaus, Brazil, alleging that the article had been shipped from a foreign country, to wit, Brazil, to New York, N. Y., on or about July 19, 1929, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance, to wit, rancid, decomposed, moldy, wormy, and empty nuts.

On January 6, 1930, Wm. A. Higgins & Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned in part that it be sorted to separate the good nuts from the bad, and that the bad portion be denatured or destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16991. Misbranding of butter. U. S. v. 5 Cases of Butter. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 23032. I. S. No. 24715-x. S. No. 941.)

On June 29, 1928, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 cases of butter, at Syracuse, N. Y., alleging that the article had been shipped by the Sunshine Creamery Co., from St. Paul, Minn., on or about June 22, 1928, and transported from the State of Minnesota into the State of New York, and charging misbranding in violation of the food and drugs act as

amended. The article was labeled in part: (Carton) "1 Lb. Net Wt. Sunshine Creamery Company Butter."

It was alleged in the libel that the article was misbranded in that the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was not correct.

On September 13, 1928, by consent of the intervenor, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16992. Adulteration of canned tomatoes. U. S. v. 1097 Cases of Canned Tomatoes. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 23879. I. S. No. 01161. S. No. 2070.)

On or about July 16, 1929, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,097 cases of canned tomatoes at Altus, Okla., consigned by the Rio Grande Valley Canning Co., Pharr, Tex., June 12, 1929, alleging that the article had been shipped in interstate commerce from Pharr, Tex., to Altus, Okla., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Rio Grande Brand Hand-Packed Tomatoes * * * Packed by Rio Grande Valley Canning Company, Pharr, Texas."

It was alleged in the libel that the article was adulterated in violation of section 7 of the act, paragraph 6, in that said article showed decomposition.

On November 12, 1929, the court having found that the product was unfit for food, and the claimant having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16993. Adulteration and misbranding of vanilla extract. U. S. v. 474 Bottles, et al., of Vanilla Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24086. I. S. Nos. 019851, 019852. S. No. 2331.)

On or about October 16, 1929, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of four hundred and seventy-four 4-ounce bottles and one hundred and seventeen 16-ounce bottles of vanilla extract at Fort Leavenworth, Kans., consigned by the Atlanta Supply Co., Atlanta, Ga., alleging that the article had been shipped from Atlanta, Ga., on or about August 30, 1929, and transported from the State of Georgia into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Flavoring Extract Vanilla * * * Manufactured by The Atlanta Supply Company, Atlanta, Georgia."

It was alleged in the libel that the article was adulterated in that an artificially colored imitation product had been substituted in part for the said article, and had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength. Adulteration was alleged for the further reason that the article was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Flavoring Extract Vanilla," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On January 8, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16994. Adulteration of cull poultry. U. S. v. 1 Barrel of Cull Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24340. I. S. No. 028686. S. No. 2606.)

On December 12, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel praying seizure and condemnation of 1 barrel of cull poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Vilas & Co., from Storm Lake, Iowa, November 25, 1929, and transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance; in that it consisted in whole or in part of a portion of an animal unfit for food; and in that it was the product of a diseased animal.

On January 7, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16995. Misbranding of linseed meal. U. S. v. Mann Bros. Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 23718. I. S. Nos. 18701-x, 20091-x, 20125-x, 20598-x.)

On June 24, 1929, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mann Bros. Co., a corporation, Buffalo, N. Y., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about October 28, October 29, and October 31, 1927, respectively, from the State of New York, in part into the State of Pennsylvania, and in part into the State of Delaware, of quantities of linseed meal, which was misbranded. The article was labeled in part: (Sacks) "The Mann Bros. Company Buffalo, N. Y. * * * 34% Protein Pure Old Process Linseed Meal Guaranteed Analysis Minimum Protein 34%."

It was alleged in the information that the article was misbranded in that the statement, to wit, "Guaranteed Analysis Minimum Protein 34%," borne on the said sacks, was false and misleading in that the said statement represented that the article contained not less than 34 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 34 per cent of protein, whereas it contained less than 34 per cent of protein, the four lots of the product containing approximately 31.59 per cent, 31.59 per cent, 32.07 per cent, and 31.63 per cent of protein, respectively.

On November 15, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16996. Adulteration of Brazil nuts. U. S. v. 40 Bags of Brazil Nuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24391. I. S. No. 028550. S. No. 2615.)

On December 20, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 bags of Brazil nuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Italy, on or about June 21, 1929, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, to wit, moldy, wormy, and rancid or decomposed nuts.

On January 6, 1930, Wm. A. Higgins & Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$350, conditioned in part that it be sorted to separate the good from the bad nuts, and the latter destroyed or denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16997. Adulteration of walnuts. U. S. v. 10 Bags of Walnuts in Shell. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24392. I. S. No. 028758. S. No. 2616.)

On December 20, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 bags of walnuts in shell, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Friedrich Schonau, from Wien, Roumania, into the State of New York, on or about October 20, 1928, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, to wit, wormy, moldy, rancid, and decomposed nuts.

On January 13, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16998. Misbranding of canned salmon. U. S. v. Whitney-Ellsworth Co. and Charles Whitney. Pleas of guilty. Fine, \$200 and costs. (F. & D. No. 23744. I. S. No. 01937.)

On October 24, 1929, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Whitney-Ellsworth Co., a corporation, Seattle, Wash., and Charles Whitney, a citizen and resident of Seattle, Wash., alleging shipment by said defendants, in violation of the food and drugs act, on or about May 11, 1928, from the State of Washington into the State of Iowa, of a quantity of canned salmon which was misbranded.

It was alleged in the information that the article was misbranded in that the statement, to wit, "Red Alaska Salmon," borne on the label attached to the can containing the said article, was false and misleading in that the said statement represented that the article was red Alaska salmon, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was red Alaska salmon, whereas it was salmon other than red Alaska salmon. Misbranding was alleged for the further reason that the article was salmon other than red Alaska salmon, and was offered for sale and sold under the distinctive name of another article, to wit, red Alaska salmon.

On November 4, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and a plea of guilty was entered by Charles Whitney, and the court imposed a single fine of \$200 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16999. Misbranding and alleged adulteration of Minute jelly concentrate. U. S. v. 1900 Cartons, et al., of Minute Jelly Concentrate. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23989. I. S. Nos. 5821, 5822, 5823. S. No. 1836.)

On September 6, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,900 cartons, assorted flavors, 189 cartons, raspberry flavor, 95 cartons, blackberry flavor, and 298 cartons, currant flavor, Minute jelly concentrate, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Minute Jelly (Inc.), from Cranford, N. J., on or about February 4, 1929, and transported from the State of New Jersey into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Raspberry (or "Blackberry," "Currant," "Grape," or "Mint") Minute Jelly Concentrate One bottle makes two glasses of finest jelly * * * Minute Jelly, Inc., Cranford, N. J. A mixture of fruit juice and sugar with natural flavor, fruit acid and vegetable color, and a small amount of pectin to jell."

It was alleged in the libel that the article was adulterated in that a substance containing no fruit juice had been mixed and packed therewith so as to reduce and lower its quality and strength, and had been substituted in part

for jelly concentrate, which the said article purported to be, and in that it had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the statements borne on the carton labels and the bottles contained therein, "Raspberry (or "Blackberry" and "Currant," as the case might be) Minute Jelly Minute Jelly Concentrate," were false and misleading and deceived and misled the purchaser, in that the said statements conveyed the impression that the article contained the essential elements of jelly in concentration, including a substantial amount of fruit juice, and that when the directions given on the said labels were followed would make a jelly of the flavors indicated; whereas it did not contain the essential elements of jelly in concentration or otherwise, and would not, when used as directed, make a jelly of the flavors indicated, since it was devoid of any fruit juice. Misbranding was alleged for the further reason that all references to the article as "Jelly," and the statement, "A mixture of fruit juice," borne on the said labels, were false and misleading and deceived and misled the purchaser, since the article was devoid of any fruit juice whatsoever.

On December 27, 1929, Minute Jelly (Inc.), Cranford, N. J., having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17000. Adulteration and misbranding of canned frozen whole eggs. U. S. v. 60 Cases of Canned Frozen Whole Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24293. I. S. No. 024294. S. No. 2537.)

On November 27, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 60 cans of frozen whole eggs, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by Carl Ahlers (Inc.), from New York, N. Y., on or about June 20, 1929, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

Misbranding was alleged for the reason that the article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 16, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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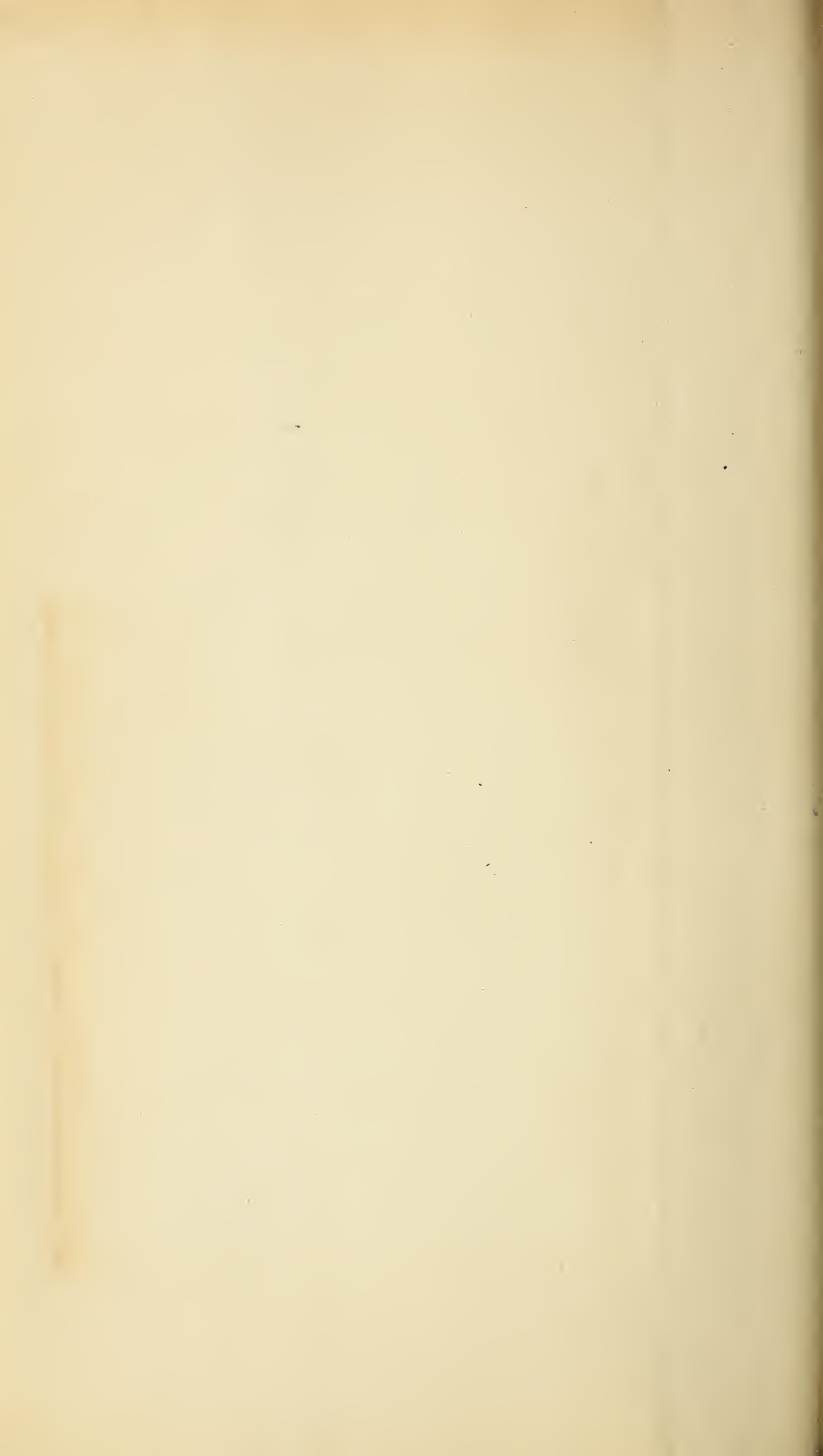
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